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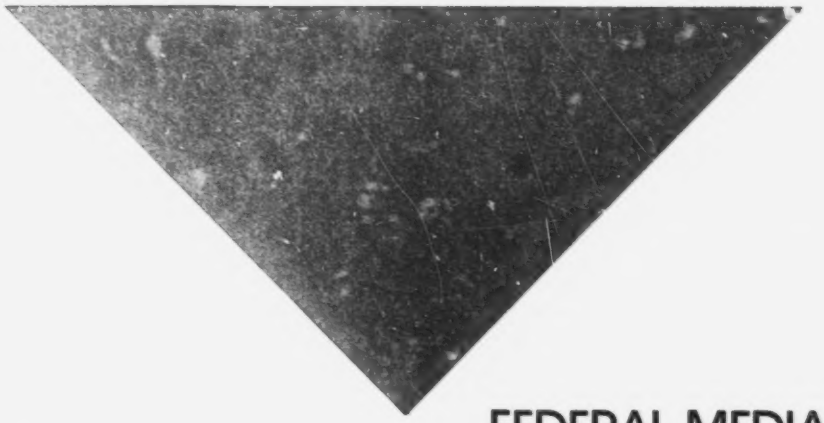

FEDERAL MEDIATION AND CONCILIATION SERVICE

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FEDERAL MEDIATION AND CONCILIATION SERVICE

ANNUAL REPORT 1981 • KENNETH E. MOFFETT, ACTING DIRECTOR

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To the Congress of the United States:

It is my honor to submit the Thirty-Fourth Annual Report of the Federal Mediation and Conciliation Service for Fiscal Year 1981, pursuant to the provisions of Section 202, paragraph (c), of the Labor Management Relations Act, 1947.

This report reviews the Agency's activities while fulfilling its responsibility toward facilitating and promoting the settlement of labor-management disputes through collective bargaining.

FMCS is uniquely suited to help labor and management analyze problems in their relationships and work with them in addressing those problems. As a result, we have an enormous opportunity to improve labor-management relations through dispute settlement and technical assistance. With this opportunity, however, it becomes our personal challenge to make the best possible use of our talents and resources.

We met this responsibility in FY 1981. Monies continued to be limited and the Agency managed that which they had with care. The relationships most in need of repair were the recipients of those funds. Plans for the future were carefully analyzed. Economic indicators pointed to difficult times and we set out to deal with those problems in the most efficient manner.

We had an obligation, and we fulfilled it, to see that each mediator was adequately trained to carry out his or her duties and responsibilities. Our support staff provided the necessary backup enabling every one to do their job. It was a team effort.

FY 1981 was a year of constant change. Though change is always present, the economic climate surrounding our activities fostered an accumulation of such a variety of changes as to require dramatic redirection in the internal workings of our Agency.

The challenge to those of us in collective bargaining is to use the flexibility of the process to meet the mounting demands of change. We feel that in this we were successful.

Kenneth E. Moffett

Kenneth E. Moffett
Acting Director

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Transportation Secretary Drew Lewis, (right) and Federal Aviation Administration's Administrator, Lynn Helms, (left) meet the press following PATCO's giving their strike notice.

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Chapter 1

Dispute Mediation

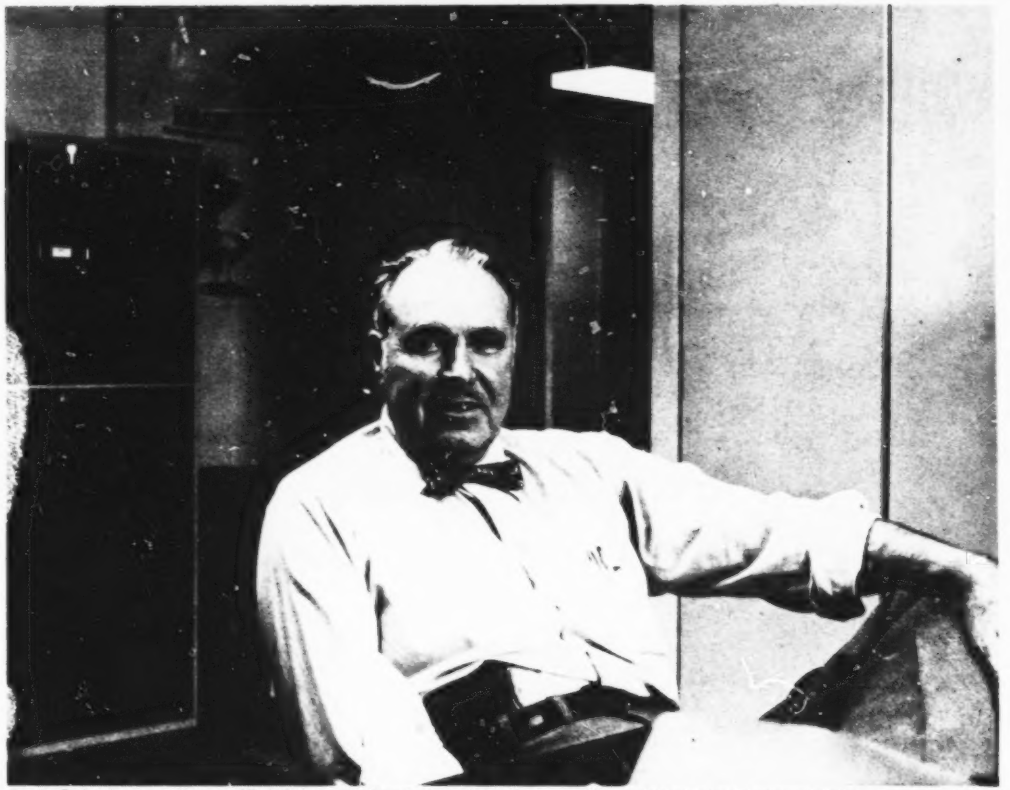
In Fiscal Year 1981, which covered the final year of the normal three year bargaining cycle of major contract expirations, the Service closed out 19,125 dispute cases. This was a slight decrease from Fiscal Year 1980 when the Service had its second highest year since 1970.

In terms of active participation by our mediators, however, while mediators had 2,381 fewer assignments, they held joint meetings (active cases) in only 1,002 fewer cases, (9297 in Fiscal Year 1981 compared to 10,299 in Fiscal Year 1980). Thus, mediators were more active in the cases assigned. This is reflected in the participation rate which increased to 49 percent in Fiscal Year 1981.

The participation rate is a percentage of joint meeting cases to total dispute mediation assignments. These are collective bargaining negotiations where mediators are actively involved in conducting joint meetings with the parties.

In the other major area of mediator responsibility, Technical Assistance (TA), here too, there was a moderation of the increasing rate of activity of prior years, again reflecting the relatively light bargaining year calendar. There is a close correlation between technical assistance and dispute mediation activity, as in recent years, the Service has emphasized a closer linkage between its technical assistance efforts being directly related to its dispute mediation responsibilities.

Mediators are also involved in public information and educational activities (PI). In Fiscal Year 1981, there were 874 such assignments. A fourth category of mediators activity, Internal Assignments (IA), encompassed some 417 cases in Fiscal Year 1981. Essentially, this latter category includes such areas as mediator participation in visits to management and union offices not directly related to other case assignments, and attendance at business and social functions sponsored by the labor-management community.



Earle Schwieger, whose official duty station is Los Angeles, was brought into the National Office for a period of time as a temporary National Representative.

The total activity by mediators in technical assistance, public information and internal assignments numbered 2,215 cases for Fiscal Year 1981.

Joint Meeting Cases by Industry

In specific numbers, FMCS closed 9,297 joint meeting cases in Fiscal Year 1981. Joint meeting cases are defined as those in which the mediator held sessions with both labor and management present.

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As in prior years, contract negotiations in the private sector continue to represent the primary activity of the Service, accounting for nine out of ten of all joint meeting cases. While bargaining in manufacturing establishments now represents just over 50 percent of the joint meetings in the private sector, it should be noted that over the decade, the percentage has declined. In 1971, manufacturing represented 65 percent of the total cases closed and by 1981 this percentage had fallen to 45.

The industries with the greatest growth have been in retail, wholesale, services and the public sector, reflecting increased union representation in these industries.

Major Issues

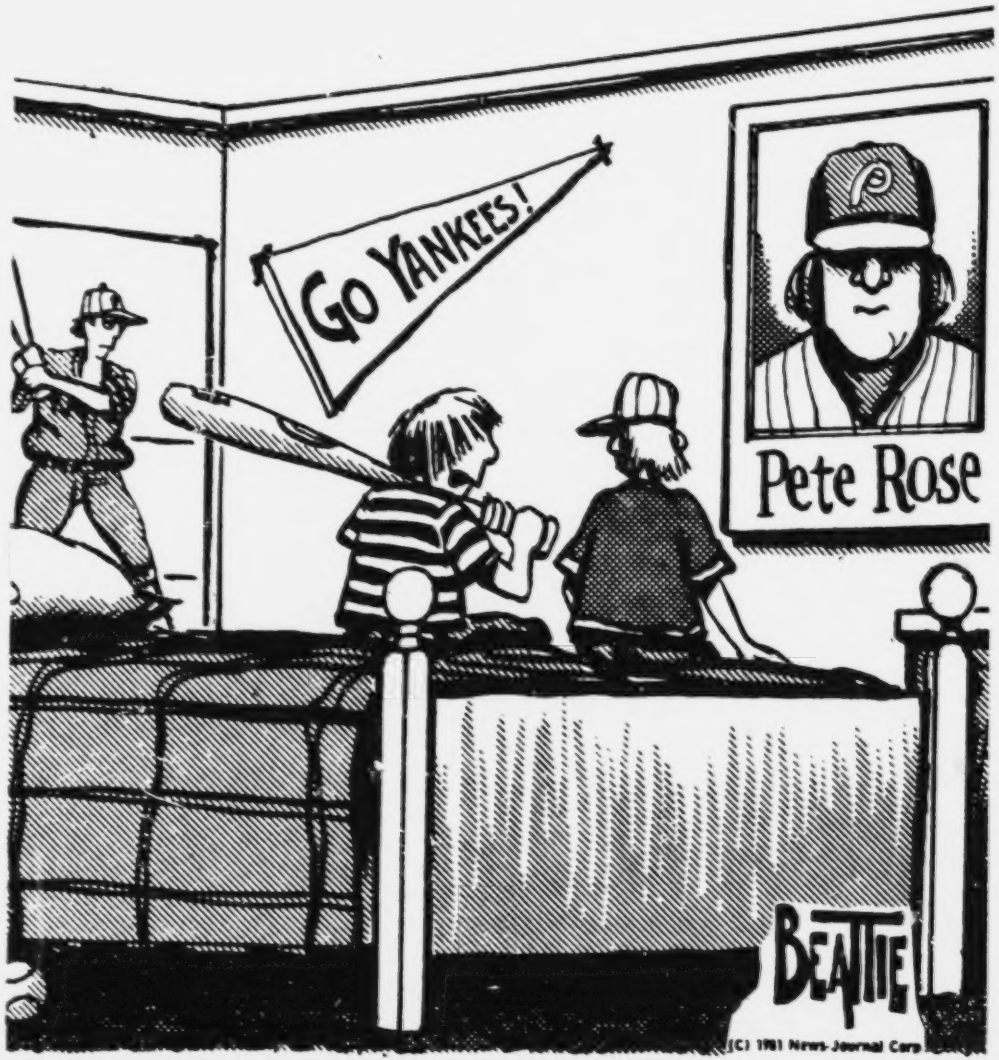
In keeping with the past, bread and butter issues, and specifically wages, led the list of major issues in joint meeting cases.

The ranking of contract issues has remained relatively stable over the decade, as has the number of issues per case. Wages represent about 19 percent of all issues listed, with pensions, and duration of contract the second and third most prevalent issues.

Types of Negotiations

Mediators are most often called upon for assistance in contract renewal situations. During Fiscal Year 1981, contracts due to expire accounted for 85.6 percent of all dispute cases handled by mediators.

Collective bargaining contracts often contain provisions permitting the agreement to be reopened during the contract term to negotiate specific issues. Wages represent the most common type of reopener. Contract reopeners accounted for 5.3 percent of the mediator caseload. Initial contracts are the first agreements negotiated between an employer and union. FMCS was present in 1,505 first contract



"Looking up to a federal mediator just isn't the same."

situations and actively mediated by holding joint sessions, in 921 of these. This participation rate of 61.2 percent far exceeded the 46.4 percent rate for contract renewals.

Length of Contracts

Contract durations in Fiscal Year 1981 remained relatively unchanged from previous years. As in the past, distinct differences in contract length exist between initial contracts and those that are renewed.

Of the initial contracts negotiated in Fiscal Year 1981, 31.0 percent were for one year, 28.9 percent for two years and 38.8 percent for three years. As shown in Table 5, a one year bulge occurred in 1976 and was traced to a large number of initial one year public sector contracts negotiated under new bargaining laws in Iowa and Florida. By contrast, contracts up for renewal are more likely to be of longer duration. In Fiscal Year 1981, 12.7 percent were one year, 24.9 percent two years and the bulk 61.5 percent were for three years.

Work Stoppages

Mediators were involved in a high percentage of cases where work stoppages occur. These cases are frequently the most complex, sensitive, and difficult of all labor negotiations. Of the total 19,125 cases covered by FMCS in Fiscal Year 1981, 11.1 percent, or 2,128 cases involved strikes.

This reduction of almost two percent in strike cases reflected the overall strike statistics maintained by the Bureau of Labor Statistics which showed strike activity was at its lowest level in decades as Fiscal Year 1981 was ending.

To avoid work stoppages, mediators hold sessions with the parties before the strike or lockout deadline. In Fiscal Year 1981, there were 8,671 cases with joint meetings before a deadline. In 85 percent of these cases (7,413), there were no strikes. In addition, there were 1,383 cases where a deadline was postponed for mediation. In 87 percent of these cases (1,204), no stoppage occurred.

The majority of collective bargaining agreements in the United States are tentative, subject to ratification by union members. The proportion of such tentative agreements which were later rejected dropped to 8.9 percent of the total joint meeting cases in Fiscal Year 1981.

Of the 9,297 joint meeting cases in which FMCS participated, the majority—88.7 percent—resulted in an agreement between the parties. In the other 11.3 percent of cases the parties either withdrew, suspended negotiations, or were referred to another government agency.

Caseload by FMCS Region and State

Statistics presented in the Analysis of Dispute Mediation portion of this chapter show a distribution of joint meeting cases by FMCS region and by state within each of the eight regions, over the past years. Region 8 was created in 1976 and a number of jurisdictional changes have been made since then.

Also shown are the number and percent of closed non-joint meetings by region and state.

Notices of Contract Expirations

The National Labor Relations Act requires that a party to a collective bargaining contract who wishes to modify or terminate it, must notify the FMCS 30 days in advance of the contract expiration date. For health care institutions and unions, a 60-day notification is required. These notices provide the primary source of information in making mediator assignments to the cases.

The National Labor Relations Board also notifies the Service when unions are newly certified to represent employees. This signifies that an initial contract is being negotiated.

Robert Gomsrud, Federal mediator in the Minneapolis field office.

The Federal Labor Relations Authority, created with the passage of Civil Service Reform Act of 1978 and effective on January 11, 1979, has ongoing responsibility for Federal referrals. Of the notifications processed in Fiscal Year 1981, 21,346 became case assignments or were screened for lack of jurisdiction.

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Private Sector

In FY 1981, bargaining in the private sector was characterized by a continued concern for job security in the face of an economy reflecting high inflation and growing unemployment.

This was evidenced at the bargaining table as workers showed an increasing reluctance to strike over their demands. The Bureau of Labor Statistics reported that in July of 1981, strike activity had dropped to its lowest level since 1963.

Our own records substantiated this decline in strike activity as FMCS recorded 2,128 work stoppages in FY 1981. This was 11.1 percent of the total dispute caseload, the lowest level in more than a decade.

While fewer strikes were occurring, mediators were still active in providing assistance to the parties and participating in numerous major negotiations where work stoppages were averted or their duration lessened.

A representative sampling of some of these contract negotiations are as follows:

General Electric Company—Bloomington, Indiana

750 members of the International Brotherhood of Electrical Workers Local #2249 struck the Bloomington, Indiana plant of the General Electric Company for 26 days over unresolved grievances. The collective bargaining agreement provides for arbitration by mutual agreement, or the union may choose to strike over unresolved grievances. The rank and file chose to strike over a grievance involving a discharged employee and this shut down the Bloomington refrigeration plant. After more than two weeks on strike, the parties requested the assistance of a Federal mediator. Through his efforts a unique settlement was finally arrived at which provided for an expedited arbitration procedure that required the employees to return to work immediately, the submission

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of a panel of five FMCS arbitrators in the Indianapolis area, an agreement to conduct the hearing within two weeks of the return to work, and finally an award no later than 30 days after the period specified above. Both parties accepted the mediator's suggestions to end the strike. The unique settlement required close cooperation between the field mediator and the Office of Arbitration Services.

Hooker Plastic and Chemical Corporation

Employees at the Hooker Plastic and Chemical Corporation in Burlington Township, New Jersey, began a work stoppage due to alleged unhealthy and unsafe working conditions which they felt presented an imminent danger. These employees, members of the United Glass and Ceramic Workers, Local #482, according to the company, were involved in a wildcat strike and said to be in violation of the contract's no-strike clause.

The company, while refusing to meet, continued to deny the existence of any unsafe conditions and repeatedly cited several EPA-favorable reports. They also insisted that media "malicious and slanderous statements" be retracted. Despite this existing animosity, the mediator maintained daily phone contact suggesting possible means of resolving the dispute while urging the company to agree to meet. Persistency paid off. The parties did meet and 11 days later, with the help of the mediator, the strike was settled.

The union activity prompted the National Institute for Occupational Safety and Health to plan an inspection to evaluate whether there were indeed, health hazards at the plant.

UMWA-BCOA

Negotiations between the Bituminous Coal Operator's Association and the United Mine Workers of America began early during this

Construction Coordinator, Joe Russell.

year's round of bargaining, and with only a cursory involvement by the Service in the early stages, the parties reached a tentative agreement prior to the contract expiration. In this concerted effort to reach a peaceful agreement, coming off a 111-day strike during the previous round of negotiations, the parties were hopeful of changing the turbulent history of contract negotiations in the coal industry. Unfortunately, however, the membership rejected the tentative agreement and a 72-day strike ensued involving approximately 160,000 miners.

Even though a serious strike was occurring the Service recognized the changed character of the negotiations and accepted the fact that both the industry and the union were interested in reaching an agreement without any outside involvement. On this basis, and with the knowledge that coal supplies were not being reduced to any critical levels the Service honored the requests of the parties and did not intervene in the dispute, allowing them the opportunity to work out the terms of a second agreement which was subsequently ratified by the union's membership.

Colorado Construction Industry

A dramatic and significant negotiation in Fiscal Year 1981 involved the Colorado Building and Construction Industry. The negotiations began in early 1981 with the likelihood of difficult bargaining. Work stoppages began involving a number of its basic crafts on May 1 and continued for several months thereafter. The United Brotherhood of Carpenters and Joiners represented one of the lead crafts in this bargaining. Stoppages involving the AGC and the Carpenters District Council were finally resolved on June 23. At its peak these negotiations resulted in the shutdown of an estimated 1 billion dollars worth of construction projects in the Denver metropolitan area and surrounding localities. An estimated 18-20,000 employees were involved at various stages of the work stoppages. Federal mediators were active in most of the discussions and involved with 35 joint meetings with the crafts.

Kearney & Trecker Corporation

An attitude that a strike was inevitable contributed to the 102-day work stoppage by 1,100 members of IAM Local #76, AFL-CIO, against the Kearney and Trecker Corporation in West Allis, Wisconsin. Twelve joint meetings were held by the mediator in a three week period prior to the work stoppage. But the parties were far apart on the issues of: wages, C.O.L., vacations, insurance, and a number of major non-economic items. The strike was caused by the expectations of many members of the union bargaining committee that a much higher settlement could be achieved through a strike. The mediator conducted nine joint meetings

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after the strike started, not only mediating the dispute but working closely with a committee that had taken a number of unrealistic positions. In fact, a tentative agreement that was unanimously recommended by the union committee 60 days into the strike, was rejected by a 7 to 2 margin. After two days of intensive mediation between the mediator and the committees, another tentative agreement was reached that was finally ratified by the rank and file.

Hotel Industry of the Nation's Capital

The first strike in 35 years by the largest private sector trade union in Washington, D.C. was avoided when FMCS mediators successfully worked out an agreement between the 10,000 members of the Hotel and Restaurant Employees Union Local 25 and the Hotel Association of Washington, D.C.

This dispute between Local 25, the largest group of service employees in the Nation's Capital and the Washington Hotel Industry attracted a great deal of attention from the community and the media as well as the thousands who travel to Washington on business and pleasure. A three year agreement was reached after mediators convinced the parties that continuation of the talks beyond the hour of expiration was in the best interest of the public as well as of their constituents. This extra effort provided the Nation's Capital with a point of pride, continued labor peace through collective bargaining.

Baseball Negotiations

Baseball, America's favorite summer pastime, took more than the regulation three outs in 1981. Contract negotiations began shortly after the first of the year, and when May arrived without a settlement, the Director, assisted by his General Counsel, began meeting with the parties. Despite many negotiating sessions, the parties' differences could not be resolved, and at midnight, June 12, the Players struck the Owners.

Ron Richardson, President of the Hotel and Restaurant Employees Union, Local #25, (left) appears with Jim Williams, National Office "trouble shooter" (right) at press briefing during hotel negotiations.

Seven weeks later, baseball's longest strike ended. Many long and difficult negotiations took place before a new contract was finally agreed upon, causing the parties and the mediators to shuttle back and forth from New York City to Washington. At one crucial point, the Secretary of Labor, Raymond Donovan, joined the talks in an all out effort to get a settlement.

Although only 650 players were involved—a relatively small number of employees by work stoppage figures—the absence of baseball attracted tremendous media attention. There was lost revenue from empty stadiums, and unemployed hot dog vendors, baseball equipment manufacturers, program sellers, and other persons connected with the industry suffered.

The pivotal issue throughout the bitter strike was the question of free agent compensation. This is the method by which a team receives some gain in return for the loss of a player who after fulfilling his contract, signs with another team. The parties eventually agreed that teams who lost high quality free agents would receive a player from a designated player pool, and

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Federal mediator Ken Moffett, left, and players representative Doug DeCinces, Baltimore Orioles third baseman, right, listen as Ray Grebey, the owners negotiator, announces the end of the 50-day baseball players strike.

some form of cash compensation from a central fund.

Another stumbling block was removed when the parties agreed that the shortened season would count as a full year in calculating free agency eligibility and pensions. The entire basic agreement was extended for an extra year, thus assuring labor peace in baseball until 1984.

On Sunday, August 9, the cry of "batter up" was heard in Cleveland at the re-scheduled All Star Game. The 1981 season officially resumed the following day. The fans got their game back; the vendors sold their wares; the bat makers were working; the sport's writers once again wrote sports stories, and mediators went right on doing what they do best—mediating.

New York Newspaper Guild

Over three thousand newspaper advertising, circulation, and news employees walked off the job at the New York Times and the New York Daily News when a contract negotiation deadline passed with no settlement achieved. The parties had negotiated around the clock in order to beat the deadline, but the guild ultimately rejected a comprehensive management proposal, and picket lines were set up.

The critical issue which the two sides had grappled with throughout extended bargaining was the guild's insistence on doing away with a dual wage scale negotiated three years earlier. Under that scale, new employees were paid less than established ones.

A Federal mediator who had been assigned to the talks was credited with quickly getting both sides back to the table and helping them resolve their differences. A tentative agreement in which the dual wage scale was dropped was reached, and the walkout ended after six and a half hours, preventing any major publication disruptions.

The mediator was later nominated for a Congressional award for his efforts in settling this, and other newspaper disputes.

Health Care Industry

The health care industry is a major employer in the United States, with five million workers and expenditures representing nine percent of the Gross National Product (GNP) in 1981. In a few areas of the country, workers have been unionized for decades, but bargaining rights for most health care employees were formally extended only as recently as 1974. In that year, Congress enacted Public Law 93-360, amending the National Labor Relations Act (NLRA) to extend coverage of the Act to all private, profit and non-profit health care institutions. Because of the critical nature of health care institutions to the community, framers of the legislation included special provisions for collective bargaining in this industry, including the following:

- Mediation of health care disputes by FMCS

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- Earlier notification of contract expiration dates—60 days—as opposed to 30 days for contracts in the private sector.
- Notification to FMCS of initial contract disputes in the industry.
- Authorization to the FMCS National Director to establish a Board of Inquiry (BOI) in health care disputes where a strike is likely to occur.
- A 10-day strike notice in advance of a work stoppage in a health care facility.

These amendments have not only increased organizing in the health care industry, but have had significant impact on FMCS's dispute activity. From 1974 through September 30, 1981, there were 10,983 health care disputes. Federal mediators assisted the parties in a large number of these cases, 449 of which ended in work stoppages. FMCS also appointed 239 BOI's/FF's to expedite negotiations.

In the opinion of the Director, BOI's or FF's may be established when a threatened or actual strike or lockout affecting a health care institution would, if permitted to occur or continue, substantially interrupt delivery of health care to the community. Within 15 days of its appointment, the Board is required to issue a written report to both parties, stating its finding of fact and recommendations for a settlement. These recommendations are nonbinding. The text of the amendment appears in the Appendix.

The following summary describes one of the significant health care disputes in FY 1981.

South Bend Memorial Hospital

South Bend Memorial Hospital is a 526-bed facility serving the South Bend-Mishawaka, Indiana, area as well as parts of Southern Michigan. It has the highest volume and best equipped Emergency Room in the area. Teamsters Local #364 represents a unit of 500 employees including Pharmacy Clerks, Technicians and LPN's at the hospital.

Secretary of Labor Ray Donovan meets with the Players Association negotiating team in FMCS offices.

From the beginning of negotiations in 1981, the parties reported to the Federal mediator that a strike was inevitable. In 1978, the parties had signed a stipulation allowing FMCS to appoint a Fact-Finder in their negotiations that averted a strike. This year, however, the parties were unwilling to sign a stipulation, which made the negotiations even more difficult.

Due to the severe impact that a work stoppage would have had on the delivery of health care services in the area, the mediator monitored the negotiations closely and entered the talks several weeks prior to expiration. As the deadline neared, several issues remained to be settled including wages, pensions, and COLA. When it appeared that an agreement would not be reached, the Teamsters union filed the 10 day strike notice. Due largely to the efforts of the mediator, an agreement was reached following four joint meetings, two separate meetings, and a mediator's suggestion that the contract be extended for 24 hours to allow time to work out the unresolved critical contract issues.

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Public Sector

FMCS's presence in the public sector, including the Federal government, increased significantly during Fiscal Year 1981, surpassing past years. A total of 1,026 joint meeting cases were recorded, an increase of close to 3 percent over the previous fiscal year. Public sector cases now account for 10 percent of the total joint meeting dispute cases closed by the mediators.

This growth in caseload activity can be traced to the increase of activity in the Federal sector. Seven more cases were handled in fiscal year 1981 than in 1980, 393 compared to 386. Activity also increased in local governments, with 9 more collective bargaining situations requiring mediator assistance in FY 1981.

Federal Sector Participation

Approximately 60 percent of the 2.6 million Federal employees are represented by a union and have concluded a collective bargaining contract. Unionization of blue collar workers is 86 percent and 54 percent among white collar employees. Under Executive Order 11491, which became effective January 1, 1970, FMCS provided mediation and other assistance in disputes arising from negotiations between Federal agencies and labor organizations. Enactment of the Civil Service Reform Act (CSRA) (Public Law 95-454) in October 1978 translated this labor relations program into law on January 11, 1979.

Title VII of the CSRA retained FMCS's role in dispute resolution. Section 7119(a) of the CSRA, states that "The Federal Mediation and Conciliation Service shall provide services and assistance to agencies and exclusive representatives in the resolution of negotiation impasses. The Service shall determine under what circumstances and what manner it shall provide services and assistance."

Ken Moffett, (right) sharing premature joy with Bill Curtin, (left) lawyer, over PATCO's first agreement.

FMCS regulations state that the Service may provide assistance in negotiation disputes in the Federal sector on its own motion, or at the request of one or both parties. The Service may set time limits on its participation and make recommendations to the parties for settlement when it determines such procedures are appropriate. The regulations require that the party initiating negotiation situations notify FMCS within 30 days after commencing negotiations. These requirements, however, do not apply to mid-term or impact bargaining.

State and Local Involvement

Union representation among state and local government workers has expanded rapidly since the 1960's. Nearly one-half of the nation's 11 million full-time state and local employees are members of a labor organization. School districts have the largest proportion of organized employees, 60 percent according to a spe-

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cial study conducted by the Bureau of the Census. Sixty-five percent of teachers, who represent one-third of all full-time state and local government employees, were members of labor organizations. The highest percent of union membership is in local fire protection, approximately 70 percent, while about 50 percent of police protection employees are organized.

Three states, Florida, Illinois and Iowa account for one-half of the total FMCS state and local cases closed during FY 1981. FMCS, in cooperation with these states and others, attempts to provide mediation where no state mediation service exists. The low caseload activity is reflected in the states that provide professional mediation. States with their own mediation services are: Wisconsin, New Jersey, Pennsylvania, New York, Michigan, Connecticut, Massachusetts, Rhode Island, California, Minnesota, Oregon, and Washington.

Issues

A few major differences exist between Federal sector and state and local government bargaining. For example, Federal workers under the classified system, are unable to negotiate with their employers over wages, pension, insurance, vacations and holidays, all of which are determined by Congress, while wage board employees (blue collar workers) are more able to influence their own economic conditions. Differences also exist between state and local issues. Pensions appear to be a more frequent issue in local bargaining than in state negotiations, since state employees are frequently covered by plans designed to cover all workers. Including wages, which appear in virtually all state and local bargaining situations, duration of contract and guarantee issues are also frequently important dispute topics.

Postal Negotiations

Negotiations involving over 600,000 postal workers took place in the spring and summer of FY 1981 as contracts covering four major unions expired on July 20.

Negotiations were hampered by the action of the Postmaster General, who delayed the formal opening of talks for seven weeks by filing a suit with the National Labor Relations Board questioning the representation status of the major unions, and by the unions themselves when they announced that they would not bargain jointly, as they had in the past. Eventually, the Postal Service's suit was dismissed by the NLRB, and the two largest unions, the American Postal Workers Union (APWU) and the National Association of Letter Carriers (NALC) agreed to bargain jointly.

In separate bargaining, the National Association of Rural Letter Carriers stated publicly that it would not strike, and the Mailhandlers Union announced that it would invoke the arbitration procedures provided in the Postal Reorganization Act in the event an agreement could not be reached on time. As the expiration date approached, the FMCS National Director, Director of the Mediation Services, and Public Sector National Representative became actively involved in the negotiations. Nine days of intensive mediation followed and a tentative agreement was reached just prior to the midnight expiration. Unfortunately, a dispute arose over the written contract language, and the unions threatened to walk out.

Confronted with a potential nationwide strike, the mediators stopped the clock and secured the personal involvement of the Postmaster General. After 30 hours of marathon bargaining, a second tentative agreement was reached, which was ratified a month later.

Philadelphia Navy Shipyard

The U.S.S. Saratoga was due to arrive at the Philadelphia Navy Yard docks on September 30 with certain notables such as the Vice President, Governors of three states, the Mayor of Philadelphia, and about 50 Senators and Congressmen on board.

FMCS had been involved in six meetings with the Metal Trades Council (made up of 22 unions) and the U.S. Navy and had not yet been able to get an agreement on a new contract. Rumor had it that on the day of the ship's arrival, the union was going to put up informational pickets, an act that would probably embarrass the Navy as well as the guests.

A trio from the Philadelphia office, the Regional Director, and two seasoned mediators, put their persuasive powers to the test and got an agreement that no such picketing would take place and that negotiations would continue.

The ship and the guests arrived. Everything was shipshape. Talks did continue and after nine additional meetings, a contract satisfactory to both sides, was reached.

March Air Force Base

At March Air Force Base, Riverside, California, 700 members of the bargaining unit of the American Federation of Government Employees (AFGE), Local 1953, had been working without a contract for over two years.

The union had agreed to work on an extension of the contract which they had signed back in November of 1979. But tempers were short. There were serious questions of the negotiability of some of the issues. The resulting delays had spawned serious problems between the disputing parties. Never a good situation, these differences were politically poor because of the importance of March as an element of the Strategic Air Command (SAC).

A field mediator from the Santa Ana field office was called into the fray. After getting the parties together, he was able, in only two joint sessions, to dispel the bad feelings and negotiate a satisfactory contract that both sides could

live with. They signed in July 1981. This new contract is in effect until November 1982.

National Treasury Employees Union—Internal Revenue Service

Before the National Treasury Employees Union (NTEU) asked the FMCS to help in their contract negotiations with the Internal Revenue Service (IRS) in 1979, they had held over 50 bilateral meetings. When the Assistant to the Regional Director of Region Two and a field mediator joined the talks, there were approximately 225 issues embodied in about 49 articles on the table.

After 20 joint meetings with the negotiating committees, it was determined by the mediators, that conventional methods of mediation were not working and that a breakdown in the negotiations was imminent.

Following much deliberation, FMCS decided to pursue the "last best offer" with a three-member "mediation panel." In March of 1980, the mediators sent a letter to both sides with a six-part recommendation. Initial reaction by management was not favorable but they agreed to participate. The union was pleased that FMCS had taken the initiative "to break the logjam" recognizing that there was no established track record for this in Federal Sector bargaining. By taking the articles one by one, the process resulted in reducing the 225 issues down to nine sensitive issues in nine articles. In accordance with the mediator's advice, the parties submitted their "last and best and final" offers on each of the nine unresolved articles.

In a letter to the FMCS Director, the union recognized how difficult it had been to order "last-best-offer" mediation, but said that "this non-traditional mediation technique was invaluable in this particular dispute."

The parties settled their last unresolved issues and the contract was signed.

Robert Poli, PATCO's president, (left) confers with his negotiating team, prior to strike.

PATCO—FAA Negotiations

One of the most significant events in the history of Federal government labor relations occurred on August 3, 1981, when approximately 12,000 air traffic controllers struck against the Federal Aviation Administration (FAA).

The first round of bargaining between the FAA and the Professional Air Traffic Control-

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lers Organization (PATCO), held in mid-June, had been overshadowed by a strike threat. As a result of marathon bargaining involving the Secretary of Transportation, the Administrator of the FAA, the FMCS Acting Director, and a field mediator, a tentative agreement was reached between the parties. Even though the agreement was recommended by the union's negotiating committee, it was rejected by the membership, and another round of bargaining began in late July. The issues in dispute were union participation in management decisions on the selection of technology, an effective retirement plan, levels of pay, sick leave accumulation and a shorter work week.

The second attempt to work out an acceptable agreement was shortened by a two-day strike deadline notice imposed by the union at the start of negotiations. When no agreement had been reached by the deadline, the union struck, resulting in wholesale disruption of the nation's air transportation system. The President then became personally involved, stating that unless controllers returned to work within the next 48 hours, they would be fired.

During the 48-hour truce period numerous ideas, suggestions, and recommendations for ending the impasse were explored. Ultimately time ran out, and proceedings were set in motion to serve dismissal notices to the approximately 12,000 PATCO members who remained on strike.

Although the majority of the controllers stayed on strike, support from other critical unions was not forthcoming, and with the use of military controllers and supervisory FAA personnel the airline industry was able to regain and maintain some semblance of normal flight operations.

Negotiations between the parties ceased after the controllers' dismissals, though there were attempts by others, within and outside of the government, to develop some basis for a resolution of this unfortunate situation. The focus then shifted from the Service's activities to legal issues involving the courts and the Federal Labor Relations Authority.

Hamilton, Ohio Teachers Association

A seven-week Teacher's strike in Hamilton, Ohio, ended New Year's Eve with the Ohio district's school board unanimously approving a 11.7 percent salary/benefits package for one year, retroactive to August 1.

The strike began November 16 when 460 of the system's 600 teachers walked off their jobs in protest of stalled negotiations. The job action had involved a span of 44 days which broke down to 23 teaching days lost. Approximately 10,000 pupils were affected.

The parties requested the aid of the Federal mediators on December 29 and two days later the job was done.

Hawaii Teachers Association

A critical deadline in the negotiations between the 9,000 member Hawaii State Teachers Association and the Hawaii Board of Education was the adjournment date of the state legislature. State law requires that if new monies are to be appropriated as a result of a labor agreement then the new agreement must be signed by the union and the governor 48 hours before legislative adjournment. At the request of the Hawaii Public Employee Mediation Board, a Federal mediator assisted the parties in reaching a settlement before the cut-off date.

The basic underlying issue was the acceptance of an outside limit on spending. Once the union accepted the maximum dollar amount the governor would authorize, the bargaining focus changed to how the money would be spent, a task requiring extremely long negotiation sessions.

The teachers' negotiations paralleled talks for 17,000 other state employees, and the mediator credits the teachers' settlement with having a substantial effect on the agreements ultimately reached for the Hawaii Employees Association.

Age Discrimination Act Mediation

FMCS was named by the Secretary of Health, Education and Welfare (now the Department of Health and Human Services) to be the central mediation agency to resolve complaints arising under the Age Discrimination Act of 1975 as amended, for 29 Federal funding agencies. The law prohibits discrimination on the basis of age in programs and activities that receive Federal finance assistance. It applies to people of all ages. Since November 1, 1979, FMCS has provided the first step in resolving these complaints.

During FY 1981, FMCS received 57 Age Discrimination complaints, and was successful in resolving 54 of them. Three cases were closed due to non application. When mediation succeeds, the results are that time and resources are saved since investigations, hearings, and litigation are not needed. This stage is held during the first 60 days upon the receipt of the complaint. If a complaint is not resolved, it may be the subject of factfinding and investigation by the funding agency. After 180 days, the agency may decide to withhold Federal funds. The individual complaintant may file a civil action following the exhaustion of administrative remedies after the 180-day period.

This function was divided between specially trained Federal mediators in four regions and specially trained private citizens in the other four FMCS regions. Preliminary results of the experimental project were positive enough for Health and Human Services to provide for a continuation of the program for FY 1982.

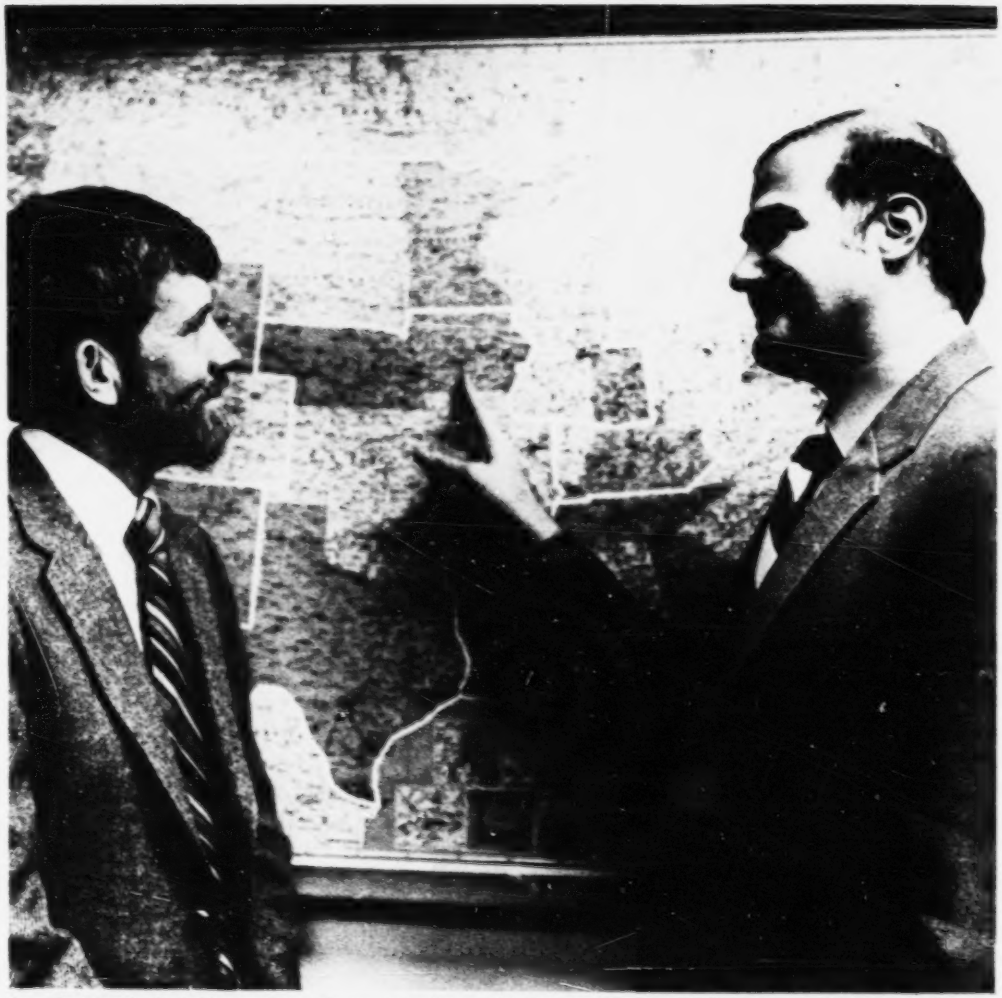
The Labor Management Cooperation Act of 1978

The Labor-Management Cooperation Act of 1978 directed the Federal Mediation and Conciliation Service "to provide assistance in the establishment and operation of plant, area and industrywide labor-management committees which (a) have been organized jointly by employers and labor organizations representing employees in that plant, area or industry; and (b) are established for the purpose of improving labor-management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including communication with respect to subjects of mutual interest and concern."

Although the Labor-Management Cooperation Act was signed into law in 1978, it was not until FY 1981 that Congress appropriated $1 million to carry out the purposes of the Act. To implement the responsibilities assigned to FMCS, a separate Office of Labor Management Grants Program was established within the Office of Mediation Services headed by a Program Director and a Grants Management Specialist.

In fulfilling their responsibilities, this office was operated totally apart and distinct from the technical assistance program FMCS has been promoting for the past 20 years. This was a unique undertaking by the FMCS wherein never in the history of the Service, since its creation under the Taft Hartley in 1947, had such a responsibility been thrust upon it.

This challenge was met, for within a six-month period, draft and final labor-management grants guidelines were published and all funds were disbursed prior to the September 30 deadline. During this abbreviated period, FMCS received 63 applications requesting $4.8 million in funding. With only a $1 million authorization a total of 14 applications including three in-plant, three industry, and eight Area Labor-Management Committees were awarded to projects located in cities from Massachusetts to California.



Lee Buddendeck (left) and Peter Regner (right) Assistant Director, Grants Management Program, discuss recipients of the grant's monies.

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Analysis of Dispute Mediation

Table 1

Number of closed dispute, technical assistance and information and education cases for fiscal years 1971 through 1981

Type of case	1971 Total closed cases	1972 Total closed cases	1973 Total closed cases	1974 Total closed cases	1975 Total closed cases	1976 Total closed cases	1977 Total closed cases	1978 Total closed cases	1979 Total closed cases	1980 Total closed cases	1981 Total closed cases
Total	19,285	17,248	18,238	20,160	21,385	21,794	25,882	22,882	23,142	24,178	21,346
DISPUTE CASES	17,608	15,994	16,930	18,809	19,771	19,856	23,450	20,257	20,414	21,506	19,125
Joint meeting[1]	7,991	7,215	7,238	8,479	8,795	8,985	10,528	9,639	10,203	10,299	9,297
Nonjoint meeting[2]	9,617	8,779	9,692	10,330	10,976	10,871	12,922	10,618	10,211	11,207	9,828
TECHNICAL ASSISTANCE CASES[3]	851	523	515	642	935	1,083	1,442	1,535	1,591	1,132	924
INFORMATION AND EDUCATION CASES[4]	826	731	793	709	679	860	990	1,090	1,137	1,085	874
INTERNAL ASSIGNMENTS[5]	—	—	—	—	—	—	—	—	—	455	417

[1]Cases in which joint and separate mediation conferences were held.
[2]Cases followed closely by mediators from assignment until final closing, requiring only informal mediation with no joint conferences.
[3]Cases comprise training, education, consultation and problem-solving activities performed by mediators for representatives of labor and management, other neutrals in dispute resolution, professional associations and academic institutions.
[4]Cases include activities such as informational addresses to public and professional groups and associations; interviews with newspapers, magazines, radio and television media; film showings, and appearances and participation in conventions, seminars and similar occasions.
[5]This represents a new category and attempts to define distinctions between information and education activities. Internal assignments activities include mediator participation in goodwill activities such as visits to union and management offices not directly related to other situations; attendance at social and business functions sponsored by the labor-management community and similar activities.

Table 2

Number of closed FMCS joint meeting dispute cases by sector and industry for fiscal years 1971 through 1981

Sector and industry	1971 Closed joint meeting cases	1972 Closed joint meeting cases	1973 Closed joint meeting cases	1974 Closed joint meeting cases	1975 Closed joint meeting cases	1976 Closed joint meeting cases	1977 Closed joint meeting cases	1978 Closed joint meeting cases	1979 Closed joint meeting cases	1980 Closed joint meeting cases	1981 Closed joint meeting cases
Total	7,991	7,215	7,238	8,479	8,795	8,985	10,528	9,639	10,203	10,299	9,297
PRIVATE SECTOR	7,849	6,990	6,994	8,217	8,416	8,228	9,707	8,769	9,290	9,289	8,271
Manufacturing	5,217	4,730	4,631	5,161	5,060	4,775	5,571	4,913	5,195	4,861	4,235
Retail, wholesale, service industries	1,434	1,170	1,282	1,775	2,094	2,306	2,998	2,736	2,986	3,227	2,935
Public utilities communications, transportation	634	521	520	689	638	642	651	605	626	710	625
Construction	495	498	519	530	557	443	408	443	400	428	403
Mining, agriculture, finance	69	71	42	62	67	62	79	72	83	63	73
PUBLIC SECTOR*	142	225	244	262	379	757	821	870	913	1,010	1,026

*Includes all federal, state and local government cases.

Table 3

Frequency of contract issues in closed FMCS joint meeting cases for fiscal years 1971 through 1981

Contract issues	1971 Number of issues	1972 Number of issues	1973 Number of issues	1974 Number of issues	1975 Number of issues	1976 Number of issues	1977 Number of issues	1978 Number of issues	1979 Number of issues	1980 Number of issues	1981 Number of issues
Total	38,410	35,066	35,408	39,894	40,856	42,485	50,816	46,734	49,523	49,569	45,193
Wages	7,481	6,602	6,547	7,882	8,155	8,249	9,667	8,714	9,262	9,312	8,363
Pensions, insurance, welfare	5,620	5,046	4,922	5,833	5,839	5,947	7,309	6,526	6,925	7,040	6,417
Duration of contract	4,858	4,621	4,781	5,448	5,422	5,572	6,283	5,597	6,190	6,256	5,679
Vacations, holidays	5,444	4,663	4,445	5,318	5,315	5,272	6,422	5,812	6,067	6,210	5,361
Hours and overtime	2,601	2,339	2,365	2,693	2,705	2,794	3,551	3,359	3,566	3,522	3,248
Guarantees	2,184	1,938	2,007	2,249	2,338	2,370	2,807	2,633	2,958	3,025	2,709
Job classification	2,191	1,995	2,032	2,257	2,387	2,463	2,973	2,879	2,937	2,934	2,775
Working conditions	1,601	1,634	1,738	1,818	1,924	2,068	2,533	2,557	2,638	2,605	2,494
Management prerogatives	1,429	1,446	1,594	1,582	1,719	1,990	2,372	2,153	2,279	2,372	2,265
Seniority	1,717	1,748	1,694	1,650	1,683	1,889	2,341	2,128	2,165	2,096	1,939
Grievance procedure-arbitration	1,516	1,396	1,437	1,388	1,471	1,627	1,961	1,884	1,968	1,844	1,751
Union security	1,275	1,183	1,321	1,204	1,325	1,560	1,838	1,736	1,692	1,619	1,552
Other contract issues	493	455	525	572	573	684	759	756	876	734	640

Table 4

Dispute mediation cases in relation to type of negotiation for fiscal year 1981

Type of negotiation	Number of cases	Percent of total	Joint meeting cases: Number of cases	Joint meeting cases: Percent of total	Nonjoint meeting cases: Number of cases	Nonjoint meeting cases: Percent of total
Initial contracts	1,505	7.9	921	9.9	584	5.9
Contract renewals	16,372	85.6	7,590	81.6	8,782	89.4
Contract reopenings	1,008	5.3	553	6.0	455	4.6
Exceptional grievances	240	1.2	233	2.5	7	0.1
Total	19,125	100.0	9,297	100.0	9,828	100.0

Table 5

Length of initial contracts in FMCS joint meeting cases for fiscal years 1975 through 1981

Length of contract in months*	1975	1976	1977	1978	1979	1980	1981
1 to 18	28.8	40.7	31.9	27.0	28.1	28.3	31.0
19 to 30	31.0	30.2	24.7	26.6	28.9	28.9	28.9
31 to 42	39.7	28.9	42.6	45.3	42.7	42.4	38.8
43 to 54	0.2	0.1	0.8	0.9	0.3	0.4	1.2
55 or more	0.3	0.1	0.0	0.1	0.0	0.0	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

*For purposes of convenience, all contracts of 1 to 18 months are considered a 1 year agreement, 19 to 30 should be considered 2 years, 31 to 41 is 3 years, 43 to 54 is 4 years and above 55 months is beyond 4 years.

Table 6

Length of renewed contracts in FMCS joint meeting cases for fiscal years 1975 through 1981

Length of contract in months*	1975	1976	1977	1978	1979	1980	1981
1 to 18	15.0	15.8	12.0	10.5	11.4	10.8	12.7
19 to 30	31.3	28.9	24.8	25.2	27.6	25.1	24.9
31 to 42	53.3	54.8	62.4	63.3	60.3	63.6	61.5
43 to 54	0.3	0.4	0.6	0.8	0.4	0.4	0.7
55 or more	0.1	0.1	0.2	0.2	0.3	0.1	0.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Table 7

Number and percent of closed FMCS dispute mediation cases involving strikes for fiscal years 1972 through 1981

Fiscal year	Number of stoppage cases	Strike percentage
1972	2,250	14.1
1973	1,937	11.4
1974	2,801	14..
1975	3,005	15.2
1976	2,609	13.1
1977	3,111	13.3
1978	2,720	13.4
1979	2,897	14.2
1980	2,764	12.9
1981	2,129	11.1

Table 8

Number and percent of closed FMCS joint meeting cases involving rejection of tentative settlement for fiscal years 1972 through 1981

Fiscal year	Number of rejection cases	Rejection percentage
1972	732	10.1
1973	697	9.6
1974	1,050	12.4
1975	976	11.1
1976	876	9.8
T.Q.[1]	278	11.1
1977	1,208	11.5
1978	1,145	11.9
1979	1,219	11.9
1980	1,101	10.7
1981	832	8.9

Table 9

Number and percent of closed FMCS dispute mediation cases *(joint meeting)* by region and state for fiscal years 1978 through 1981

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	9,639	100.0	10,203	100.0	10,299	100.0	9,297	100.0
REGION 1	1,145	11.9	1,207	11.9	1,189	11.5	1,246	13.4
Connecticut	108	1.1	118	1.2	125	1.2	143	1.5
Maine	54	0.6	54	0.6	37	0.4	61	0.7
Massachusetts	335	3.5	305	3.0	290	2.8	308	3.3
New Hampshire	46	0.5	32	0.4	36	0.4	27	0.3
New Jersey*	—	—	387	3.8	—	—	—	—
New York	507	5.3	609	0.0	592	5.7	603	6.5
Puerto Rico	7	—	10	0.1	2	—	3	—
Rhode Island	38	0.4	39	0.4	54	0.5	41	0.4
Vermont	48	0.5	40	0.4	53	0.5	58	0.6
Virgin Islands	2	—	—	—	—	—	2	—
REGION 2	1,402	14.6	1,505	14.8	1,470	14.3	1,417	15.2
Delaware	38	0.4	40	0.4	38	0.4	30	0.3
District of Columbia	108	1.1	103	1.0	101	1.0	100	1.1
Maryland	110	1.1	125	1.3	122	1.2	111	1.2
New Jersey*	370	3.8	387	3.8	369	3.6	346	3.7
Ohio*	12	0.1	9	0.1	16	0.2	15	0.2
Pennsylvania	687	7.1	758	7.5	747	7.3	741	8.0
Virginia*	14	0.1	12	0.2	17	0.2	21	0.2
West Virginia	63	0.7	71	0.7	60	0.6	53	0.6
REGION 3	1,045	10.8	1,087	10.7	1,074	10.4	892	9.6
Alabama	139	1.4	151	1.5	164	1.6	130	1.4
Arkansas*	87	0.9	86	0.9	84	0.8	78	0.8
Florida	195	2.0	219	2.2	186	1.8	137	1.5
Georgia	148	1.6	145	1.5	157	1.5	122	1.3
Kentucky*	—	—	172	1.7	—	—	—	—
Louisiana	83	0.9	79	0.8	59	0.6	48	0.5
Mississippi	55	0.6	56	0.6	47	0.5	44	0.5
North Carolina	63	0.7	55	0.6	56	0.5	49	0.5
South Carolina	25	0.3	23	0.3	24	0.2	16	0.2
Tennessee	194	2.0	205	2.0	209	2.0	189	2.0
Virginia*	56	0.6	68	0.7	88	0.9	79	0.8

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.

Table 9

Number and percent of closed FMCS dispute mediation cases (joint meeting) by region and state for fiscal years 1978 through 1981 . . . continued

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	9,639	100.0	10,203	100.0	10,299	100.0	9,297	100.0
REGION 4	1,339	13.9	1,442	14.2	1,484	14.4	1,179	12.7
Illinois	32	0.3	27	0.3	26	0.3	27	0.3
Indiana*	29	0.3	35	0.4	39	0.4	23	0.2
Kentucky*	142	1.5	172	1.7	140	1.3	134	1.4
Michigan*	488	5.1	502	5.0	542	5.3	442	4.8
Ohio*	648	6.7	706	7.0	737	7.1	553	6.0
REGION 5	1,555	16.1	1,687	16.6	1,675	16.3	1,444	15.5
Illinois*	493	5.1	612	6.0	556	5.4	476	5.1
Indiana*	250	2.6	263	2.6	234	2.3	186	2.0
Michigan*	24	0.3	20	0.2	12	0.2	9	0.1
Minnesota	431	4.5	432	4.3	501	4.9	438	4.7
North Dakota	20	0.2	28	0.3	36	0.3	22	0.2
South Dakota	9	0.1	11	0.1	18	0.2	11	0.1
Wisconsin	328	3.4	321	3.2	307	3.0	302	3.2
REGION 6	1,336	13.9	1,434	14.1	1,397	13.6	1,320	14.2
Arkansas*	—	—	—	—	—	—	—	—
Illinois*	92	0.9	80	0.8	82	0.8	78	0.8
Iowa	320	3.3	297	3.0	284	2.8	301	3.2
Kansas	135	1.4	128	1.3	127	1.2	163	1.8
Missouri	357	3.7	435	4.3	407	4.0	356	3.8
Nebraska	54	0.6	55	0.6	73	0.7	53	0.6
Oklahoma	64	0.7	70	0.7	67	0.6	68	0.7
Texas*	314	3.2	369	3.7	357	3.5	301	3.2

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.

Table 9

Number and percent of closed FMCS dispute mediation cases (joint meeting) by region and state for fiscal years 1978 through 1981 . . . continued

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	9,639	100.0	1,207	100.0	10,299	100.0	9,297	100.0
REGION 7	1,133	11.6	1,199	11.8	1,382	13.4	1,174	12.6
Arizona	74	0.8	81	0.8	65	0.6	74	0.8
California	941	9.8	997	9.8	1,179	11.4	977	10.5
Hawaii	49	0.5	46	0.5	62	0.6	59	0.6
Nevada*‡	16	0.2	34	0.4	32	0.3	33	0.4
New Mexico	42	0.4	30	0.3	32	0.3	25	0.3
Texas*	10	0.1	10	0.1	11	0.1	6	0.1
Guam	—	—	1	0.0	—	—	—	—
REGION 8	686	7.1	642	6.3	628	6.1	625	6.7
Alaska	36	0.4	33	0.4	41	0.4	26	0.3
Colorado	115	1.2	88	0.9	98	0.9	90	1.0
Idaho	59	0.6	50	0.5	44	0.4	62	0.7
Montana	60	0.6	48	0.5	41	0.4	47	0.5
Nevada*	1	—	—	—	—	—	—	—
Oregon	114	1.2	125	1.3	129	1.2	94	1.0
Utah	37	0.4	19	0.2	21	0.2	26	0.3
Washington	251	2.6	261	2.6	244	2.4	273	3.0
Wyoming	11	0.1	18	0.2	10	0.1	7	0.1

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.
‡Since 1976, part of Region 8.

Table 10

Number and percent of closed FMCS dispute mediation cases (nonjoint meeting) by region and state for fiscal years 1978 through 1981

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	10,619	100.0	10,211	100.0	11,207	100.0	9,828	100.0
REGION 1	1,472	14.0	1,378	13.8	1,277	11.4	1,343	13.7
Connecticut	159	1.5	113	1.1	162	1.4	107	1.1
Maine	51	0.5	62	0.6	35	0.3	60	0.6
Massachusetts	311	2.9	338	3.4	325	2.9	318	3.2
New Hampshire	37	0.4	29	0.3	26	0.2	29	0.3
New Jersey*	—	—	577	5.7	—	—	—	—
New York	834	7.9	741	7.3	653	5.8	728	7.4
Puerto Rico	—	—	3	0.1	4	—	11	0.1
Rhode Island	60	0.6	77	0.8	56	0.5	72	0.7
Vermont	20	0.2	15	0.2	16	0.1	15	0.2
Virgin Islands	—	—	—	—	—	—	3	—
REGION 2	1,715	16.1	1,926	18.9	1,923	17.1	1,985	20.2
Delaware	15	0.1	23	0.3	35	0.3	36	0.4
District of Columbia	100	0.9	103	1.0	89	0.8	113	1.1
Maryland	163	1.5	205	2.0	238	2.1	226	2.3
New Jersey*	540	5.1	577	5.7	583	5.2	585	6.0
Ohio*	9	0.1	6	0.1	10	0.1	8	0.1
Pennsylvania	803	7.6	937	9.2	872	7.8	903	9.2
Virginia*	22	2.0	15	0.2	27	0.2	21	0.2
West Virginia	63	0.6	60	0.6	69	0.6	93	0.9
REGION 3	1,114	10.5	945	9.3	992	8.8	901	9.2
Alabama	121	1.1	97	1.0	107	0.9	81	0.8
Arkansas*	79	0.7	80	0.8	65	0.6	69	0.7
Florida	213	2.0	186	1.9	214	1.9	151	1.5
Georgia	154	1.5	152	1.5	148	1.3	175	1.8
Kentucky*	—	—	—	—	—	—	—	—
Louisiana	127	1.2	114	1.2	99	0.9	97	1.0
Mississippi	49	0.4	36	0.4	51	0.5	57	0.6
North Carolina	72	0.7	36	0.4	51	0.5	44	0.4
South Carolina	38	0.4	19	0.2	25	0.2	29	0.3
Tennessee	158	1.5	159	1.6	149	1.3	124	1.3
Virginia*	103	1.0	66	0.7	83	0.7	74	0.8

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.

Table 10

Number and percent of closed FMCS dispute mediation cases (nonjoint meeting) by region and state for fiscal year 1978 through 1981 . . . continued

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	10,619	100.0	10,211	100.0	11,207	100.0	9,828	100.0
REGION 4	1,386	13.0	1,223	12.0	1,677	14.9	1,264	12.7
Illinois*	26	0.2	31	0.3	25	0.2	28	0.3
Indiana*	39	0.4	37	0.4	28	0.2	42	0.4
Kentucky*	135	1.3	148	1.5	166	1.5	120	1.2
Michigan*	488	4.6	397	3.9	663	5.9	412	4.2
Ohio*	698	6.6	610	6.0	795	7.1	662	6.7
REGION 5	1,823	17.2	1,824	17.9	2,234	19.9	1,737	17.7
Illinois*	746	7.0	810	8.0	1,055	9.4	758	7.7
Indiana*	347	3.3	286	2.8	349	3.1	315	3.2
Michigan*	25	0.2	26	0.3	33	0.3	25	0.3
Minnesota	202	1.9	174	1.7	217	1.9	208	2.1
North Dakota	21	0.2	23	0.3	29	0.2	20	0.2
South Dakota	27	0.3	21	0.2	27	0.2	15	0.2
Wisconsin	455	4.4	484	4.8	524	4.7	396	4.0
REGION 6	1,033	9.7	953	9.4	976	8.7	771	7.8
Arkansas*	—	—	—	—	—	—	—	—
Illinois*	79	0.7	65	0.7	61	0.5	50	0.5
Iowa	175	1.6	150	1.5	178	1.6	148	1.5
Kansas	98	0.9	90	0.9	85	0.8	66	0.7
Missouri	310	2.9	275	2.7	273	2.4	243	2.5
Nebraska	51	0.5	56	0.6	54	0.5	34	0.3
Oklahoma	60	0.6	104	1.1	70	0.6	53	0.5
Texas*	260	2.4	213	2.1	255	2.3	177	1.8

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.

Table 10

Number and percent of closed FMCS dispute mediation cases (nonjoint meeting) by region and state for fiscal years 1978 through 1981 . . . continued

State by FMCS region	1978		1979		1980		1981	
	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total	Number of cases	Percent of total
Total	10,619	100.0	10,211	100.0	11,207	100.0	9,828	100.0
REGION 7	1,384	13.0	1,311	12.9	1,331	11.9	1,147	11.7
Arizona	44	0.4	52	0.5	55	0.5	59	0.6
California	1,141	10.7	1,094	10.8	1,144	10.2	936	9.5
Hawaii	3	—	54	0.6	48	0.4	73	0.7
Nevada*‡	56	0.5	50	0.5	46	0.4	36	0.4
New Mexico	61	0.6	49	0.5	26	0.2	35	0.4
Texas*	15	0.1	11	0.1	11	0.1	7	0.1
Guam	—	—	1	—	—	—	—	—
REGION 8	692	6.5	651	6.4	797	7.1	680	6.9
Alaska	23	0.2	41	0.4	36	0.3	20	0.2
Colorado	136	1.3	96	1.0	127	1.1	129	1.3
Idaho	22	0.2	21	0.2	31	0.3	25	0.3
Montana	48	0.5	58	0.6	67	0.6	63	0.6
Nevada*	1	—	—	—	—	—	1	—
Oregon	172	1.6	128	1.3	199	1.8	136	1.4
Utah	32	0.3	32	0.4	35	0.3	41	0.4
Washington	242	2.3	253	2.5	283	2.5	243	2.5
Wyoming	17	0.2	22	0.3	19	0.2	22	0.2

*Geographical area of state divided between two FMCS regions.
—Less than one-tenth of one percent and therefore not recorded.
‡Since 1976, part of Region 8.

Table 11

Notifications processed by the Service (disputes, technical assistance, and public relations) for fiscal year 1979, 1980, and 1981

RECEIPT OF NOTIFICATIONS	Fiscal 1979		Fiscal 1980		Fiscal 1981	
NOTIFICATIONS RECEIVED DURING THE YEAR		106,047		106,382		97,449
30-day notices required by LMRA	98,393		98,927		90,802	
Requests from union and/or company (Disputes, TA, PR)	4,094		4,109		3,655	
NLRB and LMSA Certifications	3,553		3,338		2,989	
Intercessions by FMCS	7		8		3	
CASES PENDING AT CLOSE OF PREVIOUS YEAR		6,081		6,257		6,089
TOTAL NOTIFICATIONS PROCESSED		112,128		112,639		103,538
DISPOSITION OF NOTIFICATIONS						
NOTIFICATIONS NOT ASSIGNED		78,110		77,283		72,146
Screened for lack of jurisdiction	17,018		19,484		14,538	
Consolidated with other notifications into assignments corresponding to actual group negotiations	61,092		57,799		57,608	
CASES CLOSED ADMINISTRATIVELY AFTER INQUIRY BY MEDIATORS		4,618		5,089		4,444
Screened for lack of jurisdiction	659		723		772	
Settled prior to inquiry, erroneous notice, etc.	3,114		3,464		2,893	
Consolidated with other cases	845		902		779	
CASES CLOSED BY MEDIATORS		23,142		24,178		21,341
Cases with joint and separate mediation conferences	10,205		10,299		9,297	
Cases followed closely by mediators from assignment until final closing, but requiring only informal mediation with no joint conferences	10,211		11,207		9,828	
Cases with technical assistance and/or public relations activity	2,728		2,217		1,798	
Internal assignments*			455		417	
ASSIGNMENTS PENDING AT END OF YEAR		6,257		6,089		5,607
Dispute cases pending at end of year	6,147		5,943		5,346	
Technical assistance and public Information Assignments pending at end of year	110		137		244	
Internal assignments pending end of year	—		9		17	
TOTAL NOTIFICATIONS PROCESSED		112,128		112,639		103,538

*Internal assignments is a new category of cases which in the past had been included with cases designated as public information.

Analysis of Public Sector Mediation

Table 12
Public sector joint meeting cases closed in FY 1979, FY 1980, and FY 1981
by level of government

	FY 1979	FY 1980	FY 1981
Federal	318	386	393
State	47	37	34
Local	548	587	599
Total	913	1010	1026

Table 13
State and local cases closed by state in FY 1981

State	Number of cases	Percent of total	State	Number of cases	Percent of total
Iowa	160	21.00	Utah	4	0.53
Illinois	112	14.70	Hawaii	4	0.53
Florida	99	13.00	California	3	0.39
Ohio	79	10.40	Alabama	2	0.26
Kansas	67	8.80	North Carolina	2	0.26
Vermont	40	5.26	North Dakota	2	0.26
Idaho	28	3.68	Virgin Islands	2	0.26
Tennessee	21	2.76	Arkansas	1	0.13
Alaska	14	1.84	Colorado	1	0.13
Missouri	13	1.71	District of Columbia	1	0.13
Indiana	12	1.58	Kentucky	1	0.13
Delaware	11	1.45	Louisiana	1	0.13
Arizona	10	1.31	Maine	1	0.13
Maryland	10	1.31	Massachusetts	1	0.13
Nebraska	10	1.31	Mississippi	1	0.13
New Hampshire	9	1.18	New York	1	0.13
Michigan	7	0.92	Pennsylvania	1	0.13
Washington	7	0.92	Rhode Island	1	0.13
New Mexico	6	0.79	South Dakota	1	0.13
Oklahoma	5	0.66	Texas	1	0.13
West Virginia	5	0.66			
Nevada	4	0.53	Total	761	100.0*

*The sums may not equal 100% because of rounding

Chapter 2

Technical Assistance

Harold Gold, known throughout the Agency for his innovative technical assistance programs.

As the nation's economy worsened in Fiscal Year 1981 there was a corresponding increase in the tensions which typically mark labor-management relations and a greater need for understanding and cooperation between the parties to the collective bargaining process. This need was increasingly met by FMCS mediators through the Service's Technical Assistance (TA) program.

TA consists of those efforts by mediators, outside of dispute mediation and public information activities, which are designed to improve labor-management relations and thereby reduce conflict in the collective bargaining area. These efforts to promote the understanding and implementation of responsible bargaining policies and techniques are carried out through consultation, training and other problem-solving programs.

In Fiscal Year 1981 there were increased efforts to promote labor-management cooperation, primarily through large jointly sponsored conferences and on-going and new labor-management committees (LMC). Under FMCS guidance these forums concentrated on Quality of Work Life (QWL) concepts, such as quality or production circles and similar forms of participative management.

Another important TA tool utilized by mediators to rescue endangered management and union relationships is the Relationship By Objectives (RBO) program. Here, teams of mediators spend three-four days with local union and management leadership helping them to thoroughly analyze their troubled relationship and jointly determine goals, with a timetable, through which they believe they can move their relationship from what it is to what they want it to be.

Training programs, primarily for first-line supervisors and union grievance representatives, continue to be the most popular form of TA activity carried out in the field. In addition to the standard treatment of grievance handling, contract negotiation, arbitration and mediation subjects, training programs in Fiscal Year 1981 increasingly dealt with the human relations aspects of working and bargaining together, providing the parties—usually in joint sessions—with the skills to relate to each other more effectively as human beings.

It is difficult to measure the impact of TA activity on the labor-management community, but one personnel manager summed up well the appreciation of the parties when he wrote to the mediator who had conducted a joint training program at his facility: "Your seasoned, professional presentation has provided excellent tools for daily use in the joint problem avoidance/solving process. Over the past nine months, the tenets given us have been referred to on numerous occasions for guidance and direction. I could certainly recommend your program to any parties desiring a foundation for positive improvement in daily labor relations."

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Some of the highlights of the Service's Fiscal Year 1981 program follow:

Wisconsin Area LMCs

In the mid-sixties, labor-management councils were established in the Green Bay and Fox Cities areas of Wisconsin. Over the years similar councils had been started elsewhere in Wisconsin and in the Upper Peninsula of Michigan. Under FMCS guidance, four of them now cooperate yearly on special projects such as the conferences in each area that in Fiscal Year 1981 studied QWL concepts. Follow-up "how to" workshops seeking to implement QWL programs at individual work sites are now scheduled by the Green Bay and Fox Cities Councils for the fall of 1982.

General Dynamics Training

The giant Pomona, California, plant of General Dynamics Corporation is a prime defense production unit for Navy missiles, but serious strikes had plagued labor contract negotiations. Following a pilot program for 30 foremen and stewards, an extensive eight-hour joint training class was conducted by FMCS for 12 other similar groups. Over a two-month period 250 trainees went through sessions on such subjects as human relations, communication and responsibilities of stewards and supervisors.

Seven different plant unions participated in the program.

Monsanto-OCAW RBO

A lengthy strike in 1977 set the scene for an RBO program conducted by FMCS in February of 1981 at Monsanto Chemical in Trenton, Michigan. Fifty-five union and management representatives produced an extensive action plan to improve their relationship, resulting in the establishment of corporate and plant level LMCs and extensive human relations skills training, among other things.

In the planning stage for the future is a follow-up session, similar to the original RBO, to bring recalcitrant supervisors and workers on board.

Pennsylvania Bell Telephone

One of the most successful illustrations of labor-management cooperation in the nation is that of the Bell Telephone Company and the Federation of Telephone Workers of Pennsylvania. With FMCS assistance, the parties have undertaken a massive statewide QWL program which will ultimately involve some 13,000 workers.

Both the union and the company have hired full-time QWL Coordinators to oversee this project, which is in the process of involving all local union officers and third and fourth levels of management.

Southern California Conference

A major three-day "Conference on Jobs Through Productivity, Re-Industrialization and Quality of Work Life," jointly sponsored by FMCS, IRRA and AAA, was held in San Diego in April 1981. Three hundred attendees representing labor and management from throughout the U.S. took an in-depth look at existing work programs and explored alternatives for improving productivity and the quality of work life on the job site.

One result of this conference is the FMCS-sponsored joint labor-management Quality of Working Life Committee of Southern California.

A Labor-Management Committee works towards an agreement.

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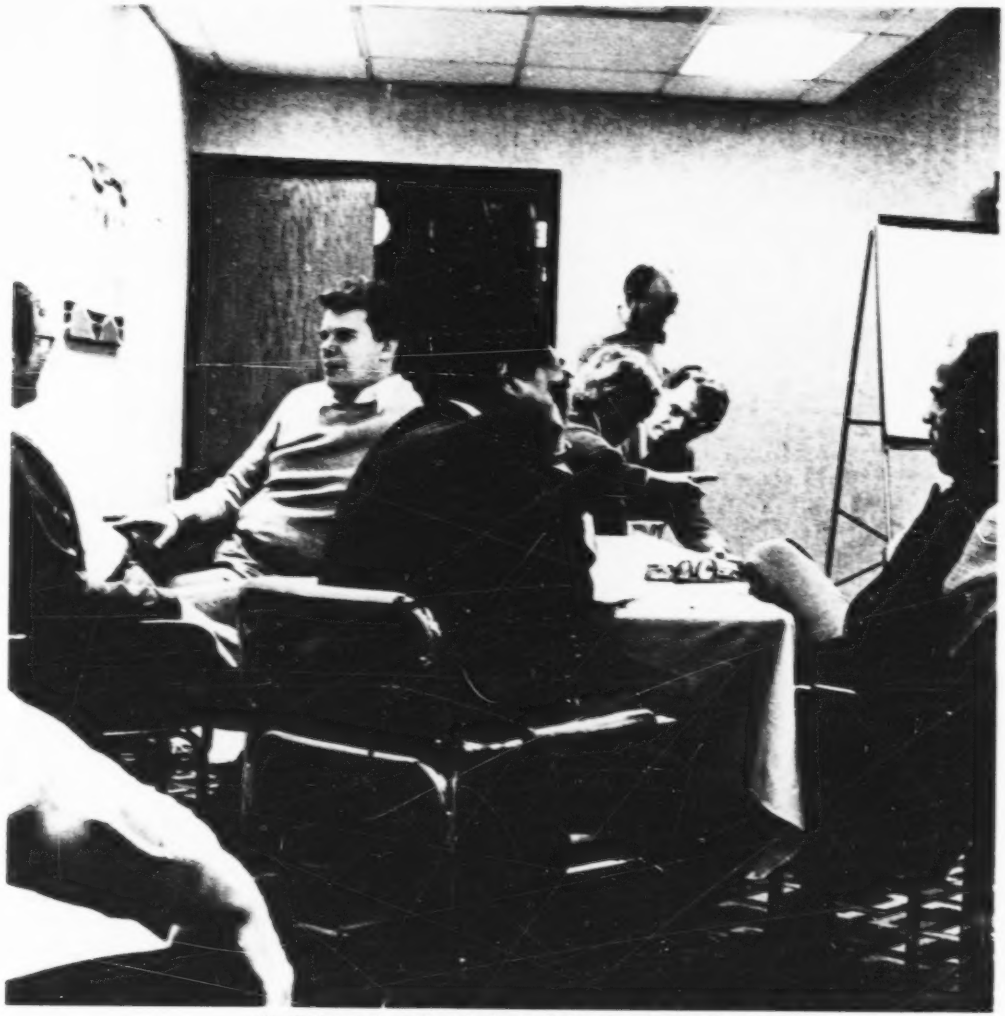

Mediators interacting during training session in Cleveland.

Chapter 3

Development and Training

In spite of limited resources in Fiscal Year 1981, the Federal Mediation and Conciliation Service continued in its commitment to a professionally trained and developed mediator cadre. While the activity of previous years was somewhat curtailed, the function continued, with primary emphasis on regional training.

Mediator-In-Residence Programs

Two mediator-in-residence programs were completed in FY 1981. They were styled in part after the FY 1980 Cole Fellowship program, Cornell University, in which a mediator was in residence for a semester at the New York State School of Industrial and Labor Relations. The two current programs were requested by the host institutions, the University of Iowa and Michigan State University. While both schools were interested in full semester residencies like the one at Cornell, budget limitations precluded the loss of Service personnel for an entire semester. The Service, however, was interested in attaining some of the benefits of the Cornell program, and as a result, made arrangements for mediators stationed close to the host university to participate two days a week. Two applicants stationed at field stations within commuting distance of the schools were then appointed to the program.

Following the Cornell pattern, the mediators worked out a proposed program with the industrial relations faculty. The mediators received instruction, adding to their professional development. The mediators were available to both the faculty and students as consultant and

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teacher. They were given office space which enabled them to meet regularly with the students.

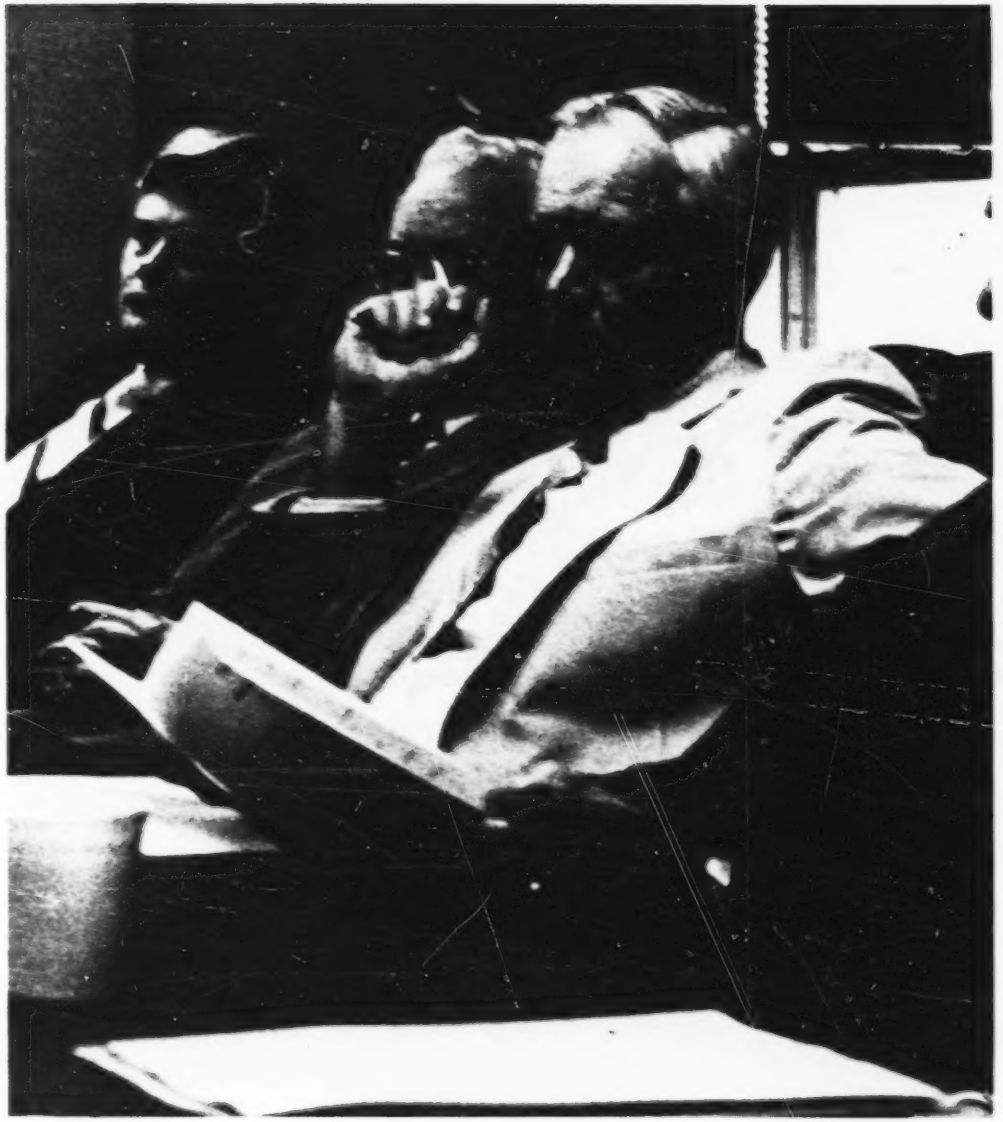
While the program was limited, those involved considered it a success and worthy of continuation.

Mediator Training

Two mediator workshops were conducted in FY 1981. The first was held in Washington, D.C. on "Mediator Techniques." The participants were drawn from the ranks of the more experienced Service mediators, and the area of concentration was on techniques adapted from dispute management. Through the use of simulation exercises and extensive video taping, new approaches to mediation techniques were introduced and developed. The workshop, which was experimental in nature, evaluated the new approaches and identified ways of refining and disseminating them to the full mediator staff. Reactions were favorable, suggesting that pursuit of these techniques would be meaningful.

The second workshop was held in Cleveland and drew both new and more experienced mediators from all across the country. This workshop entitled, "Group Dynamics and Communications," concentrated on mediator applications of techniques and processes to small group activity. A three man team working with a consultant made the presentations. Differences between the informational and interactional functions of a meeting were examined, and various roles a mediator might use and the approach he or she might take were spelled out. Through the use of video-tape simulations, the mediators saw themselves as others see them in action.

The two workshops are examples of efforts made by the Service to develop new approaches to be used by mediators in resolving disputes and improving the relationships of the parties in industrial relations.



Mediator Training Class.

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Commissioner Emmett DeDeyn, left, and Regional Director Robert Donnahoo.

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Chapter 4
Arbitration

The Office of Arbitration Services (OAS) maintains a roster of arbitrators and administers the arbitration function of the FMCS. OAS is responsible for the submission of panels of arbitrators to parties who have disputes under collective bargaining agreements and for notification to arbitrators of their selection by the parties. OAS also assists many industries and unions in establishing and administering permanent panels of arbitrators. The regulations outlining the arbitration policies, functions and procedures of the FMCS are found in 29 CFR 1404.

There are occasions when extraordinary circumstances, such as fact-finding or interest arbitration mandated by statute or resolution of a strike through arbitration, may obligate OAS to assist in disputes demanding expeditious and special procedures.

The functions of OAS are administered centrally through the National Office in Washington, D.C. The Assistants to the Regional Directors function as liaison arbitration representatives in the field. OAS has a close relationship with the Assistant Regional Directors, advising them of companies and unions whose excessive requests for arbitration indicate a need for mediation assistance in an effort to resolve their disputes.

The Arbitrator Review Board (ARB), working with OAS, is responsible for determining those applicants qualified to be admitted to the FMCS roster of arbitrators. The ARB is also charged with the review of arbitrator's records to determine whether they should be retained or removed from the roster. All recommendations are submitted to the FMCS Director for final decision. The Board is composed entirely of full time officers or employees of the Federal Government.

The Arbitration Services Advisory Committee (ASAC), a group of 12 prominent citizens selected from the ranks of labor, management and arbitration practitioners, provides advice to OAS. This Committee meets quarterly, recommending methods and procedures for improving the functions of OAS. These meetings are open to the public.

In an ongoing effort to provide continuing education programs for arbitrators in Fiscal Year 1981, OAS held arbitrator symposiums in Chicago, Cleveland, Denver, Great Falls and Seattle.

Jewell Myers, Assistant Director for Arbitration Services (above, left). Ann Money, Secretary, Arbitration Services, answering one of the many requests and questions which come into the office daily (below).

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Table 14

Number and percent change in number of panel requests, panels submitted and arbitrator appointments—fiscal years 1971 through 1981

Activity	1971 Arbitration activity	1972 Arbitration activity	1973 Arbitration activity	1974 Arbitration activity	1975 Arbitration activity	1976 Arbitration activity	1977 Arbitration activity	1978 Arbitration activity	1979 Arbitration activity	1980 Arbitration activity	1981 Arbitration activity	Percent change from FY 80
Panel requests	12,327	13,005	13,626	15,445	18,619	20,738	23,474	25,639	27,189	29,906	30,050	+0.5
Panels submitted	13,235	13,842	15,121	16,952	20,508	22,090	26,103	27,497	30,096	33,327	33,194	−0.4
Arbitrator appointments	5,759	6,263	6,665	7,612	10,278	10,509	11,985	12,527	13,232	13,911	13,219	−5.0

Table 15

Type of arbitration cases comprising total of award cases closed in fiscal years 1977, 1978, 1979, 1980 and 1981

Type of case	1977 Total number	1977 Percent of total	1978 Total number	1978 Percent of total	1979 Total number	1979 Percent of total	1980 Total number	1980 Percent of total	1981 Total number	1981 Percent of total
Total	6,935	100.0	8,155	100.0	7,025	100.0	7,539	100.0	6,967	100.0
Right cases*	4,574	66.0	5,529	67.8	5,655	80.5	6,183	82.0	5,747	82.5
Interest cases†	54	0.8	93	1.1	90	1.3	72	1.0	93	1.3
Cannot be determined**	2,307	33.2	2,533	31.1	1,280	18.2	1,284	17.0	1,127	16.2

*Defined as those cases involving issues in dispute over interpretation and/or application of the existing collective bargaining agreement.
†Defined as those cases involving the determination by the arbitrator of the contract terms themselves in initial, renewed or reopened collective bargaining agreements.
**Unidentifiable as to type due to inadequate reporting by the arbitrator.

Table 16

Average number of days charged by arbitrators for travel, hearing and study time b.. d on closed arbitration award cases sampled for fiscal years 1971 through 1981

Activity charged for	1971 Days charged	1972 Days charged	1973 Days charged	1974 Days charged	1975 Days charged	1976 Days charged	1977 Days charged	1978 Days charged	1979 Days charged	1980 Days charged	1981 Days charged	Percent change from FY 80
Total	2.96	2.96	2.96	3.0	2.89	2.88	2.96	3.09	3.14	3.21	3.32	+3.4
Travel days	.39	.36	.32	.34	.32	.32	.33	.31	.33	.33	.32	-3.0
Hearing days	.92	.91	.92	.93	.93	.89	.87	.99	.99	1.00	1.00	—
Study days	1.65	1.69	1.72	1.73	1.67	1.67	1.76	1.78	1.82	1.88	1.98	+5.3

Table 17

Average per diem rates, fees and expenses charged by arbitrators based on closed arbitration award cases sampled for fiscal years 1971 through 1981

Arbitrators' per diem rates, fees and expenses charged	1971 Dollar amount	1972 Dollar amount	1973 Dollar amount	1974 Dollar amount	1975 Dollar amount	1976 Dollar amount	1977 Dollar amount	1978 Dollar amount	1979 Dollar amount	1980 Dollar amount	1981 Dollar amount	Percent change from FY 80
Per diem rate	$163.88	$172.53	$176.32	$180.72	$192.30	$202.37	$216.99	$239.05	$256.95	$ 274.71	$ 299.62	- 9.1
Total charged	566.59	590.12	596.77	601.33	621.31	662.39	733.04	830.54	911.83	1,011.74	1,132.31	- 12.0
Amount of fee	480.88	510.52	520.40	529.55	550.81	581.72	644.70	735.53	804.51	883.59	988.76	- 12.0
Amount of expenses	85.71	79.60	76.37	71.78	70.50	80.67	88.34	95.00	107.31	128.15	143.55	- 12.0

Table 18

Incidence of transcripts taken and briefs filed in arbitration award cases closed by FMCS in fiscal years 1977 through 1981

Transcripts and briefs	1977		1978		1979		1980		1981	
	Number of cases closed	Percent of total	Number of cases closed	Percent of total	Number of cases closed	Percent of total	Number of cases closed	Percent of total	Number of cases closed	Percent of total
TRANSCRIPTS	5,729	100.0	6,826	100.0	7,025	100.0	7,539	100.0	6,967	100.0
Taken	1,365	23.8	1,647	24.1	1,749	24.9	2,062	27.4	2,044	29.3
Not taken	4,130	72.1	4,871	71.4	4,969	70.7	5,149	68.2	4,610	66.2
Other*	234	4.1	308	4.5	307	4.4	328	4.4	313	4.5
BRIEFS	5,729	100.0	6,826	100.0	7,025	100.0	7,539	100.0	6,967	100.0
Filed	3,835	66.9	4,487	65.7	4,719	67.2	5,275	70.0	5,037	72.3
Not filed	1,827	31.9	2,251	33.0	2,227	31.7	2,176	28.8	1,841	26.4
Other*	67	1.2	88	1.3	79	1.1	88	1.2	89	1.3

*Information not reported by the arbitrator on his or her fee and award statement submitted to the Office of Arbitration Services.

Table 19

Average elapsed time in days and percent change in elapsed time per case for FMCS closed arbitration award cases sampled in fiscal years 1972 through 1981

Sequence of events	1972 Average number of days elapsed	1973 Average number of days elapsed	1974 Average number of days elapsed	1975 Average number of days elapsed	1976 Average number of days elapsed	1977 Average number of days elapsed	1978 Average number of days elapsed	1979 Average number of days elapsed	1980 Average number of days elapsed	1981 Average number of days elapsed	Percent change from FY 80
Total	241.5	257.1	251.8	223.5	233.5	268.3	223.5	246.9	243.7	230.26	− 5.5
PRE-HEARING PHASE	195.1	208.4	199.8	180.6	187.7	216.1	191.1	195.89	191.7	196.70	+ 2.6
Between grievance filing and request for panel	75.1	84.7	78.6	68.3	77.3	80.1	83.3	80.43	80.4	79.22	− 1.5
Between panel request date and panel sent	15.1	15.7	10.1	5.9	5.7	10.6	2.4	2.12	3.6	5.13	+42.5
Between date panel sent and appointment of arbitrator	43.8	45.7	44.0	44.9	39.3	49.2	39.5	43.5	39.4	41.73	+ 5.9
Between date of appointment and date of hearing	61.1	62.3	67.1	61.5	65.4	76.2	65.9	70.9	68.7	70.62	+ 2.8
POST-HEARING PHASE Between hearing date and date award rendered by arbitrator	46.4	48.7	52.0	42.6	45.8	52.2	32.4	51.0	52.0	33.56	−35.5

Table 20

Number and percent of applicable arbitration award cases closed in fiscal years 1978, 1979, 1980 and 1981 involving single multiple issues

Single and multiple issue cases	1978 Total number of arbitration cases closed	1978 Cases as a percent of total	1979 Total number of arbitration cases closed	1979 Cases as a percent of total	1980 Total number of arbitration cases closed	1980 Cases as a percent of total	1981 Total number of arbitration cases closed	1981 Cases as a percent of total
Total	6,782	100.0	6,989	100.0	7,481	100.0	6,817	100.0
Single issue cases	1,122	16.5	1,178	16.8	1,158	15.5	969	14.2
Multiple issue cases	5,660	83.5	5,811	83.2	6,323	84.5	5,848	85.8

Table 21

Number and percent change in number of issues reported in applicable FMCS closed arbitration award cases for fiscal years 1972 through 1981

Specific issues	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	
	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Total number of issues	Percent change from FY 80
Total	4,133	4,255	5,341	5,243	6,855	6,935	8,155	8,270	8,482		
GENERAL ISSUES	1,088	1,130	1,255	1,347	2,170	1,922	2,108	1,959	2,124	1,962	– 7.6
Overtime other than pay*											
Distribution of overtime	172	187	208	198	197	183	217	199	223	202	– 9.4
Compulsory overtime	19	17	29	25	20	31	43	55	54	23	–57.4
Other	—	—	—	26	36	29	46	56	48	49	+ 2.1
Seniority											
Promotion and upgrading	137	203	246	260	246	253	282	298	268	215	–19.8
Layoff, bumping and recall	327	264	248	234	481	320	316	238	286	361	+26.2
Transfer	96	96	104	94	117	96	110	95	106	92	–13.2
Other	86	90	110	103	125	102	110	90	104	93	–10.6
Union officers**	21	27	30	20	32	24	36	35	54	41	–24.1
Strike and lockout	18	19	18	18	18	33	12	18	17	13	–23.5
Working conditions***	48	48	59	45	56	54	82	67	65	57	–12.3
Discrimination	—	—	—	48	65	56	58	60	71	63	–11.3
Management rights	—	—	—	115	167	201	196	199	222	199	–10.4
Scheduling of work	182	179	203	161	158	137	155	162	160	150	– 6.3
Work assignments	—	—	—	—	452	403	445	387	446	404	– 9.4
ECONOMIC: WAGE RATES & PAY ISSUES	559	581	663	729	912	922	1,026	1,120	1,091	930	–14.8
Wage issues	—	—	—	53	92	86	105	101	97	107	+10.3
Rate of pay	—	—	—	107	190	176	117	204	202	176	–12.9
Severance pay	—	—	—	11	10	19	16	9	18	18	0
Reporting, call-in and call-back pay	77	86	89	92	109	82	131	127	112	72	–35.7
Holidays and holiday pay	101	119	117	101	152	127	172	192	160	129	–19.8
Vacations and vacation pay	132	113	140	108	104	150	151	169	165	142	–14.0
Incentive rates or standards	77	82	96	58	78	93	60	91	89	74	–16.9
Overtime pay	172	181	221	199	177	189	214	227	248	212	–14.5

(Continued)

Table 21

Number and percent change in number of issues reported in applicable FMCS closed-arbitration award cases for fiscal years 1972 through 1981 . . . continued

Specific issues	1972 Total number of issues	1973 Total number of issues	1974 Total number of issues	1975 Total number of issues	1976 Total number of issues	1977 Total number of issues	1978 Total number of issues	1979 Total number of issues	1980 Total number of issues	1981 Total number of issues	1981 Percent change from FY 80
FRINGE BENEFIT ISSUES	164	161	176	164	207	219	235	250	236	228	− 3.4
Health and welfare	51	51	55	66	82	81	107	99	79	86	+ 8.9
Pensions	21	24	23	21	22	25	22	28	19	23	+21.1
Other	92	86	98	77	103	113	106	123	138	119	−13.8
DISCHARGE & DISCIPLINARY ISSUES	1,226	1,302	1,857	1,812	2,150	2,520	3,181	3,322	3,625	3,231	−10.9
TECHNICAL ISSUES	387	400	499	260	364	395	434	421	403	380	− 5.7
Job posting and bidding	—	—	—	56	186	112	125	129	156	108	−30.8
Job evaluation	387	400	499	204	90	88	102	85	75	75	0
Job classification	—	—	—	—	188	195	207	207	172	197	+14.5
SCOPE OF AGREEMENT	211	186	211	202	221	197	213	234	236	231	− 2.1
Subcontracting	92	95	93	104	109	109	116	136	149	127	−14.8
Jurisdictional disputes	47	40	45	33	45	51	41	47	35	49	+14.0
Foreman, supervision, etc.	61	42	63	57	58	32	49	43	52	47	− 9.6
Mergers, consolidations, accretion other plants	11	9	8	8	9	5	7	8	6	8	− 9.6 +33.3
ARBITRABILITY OF GRIEVANCES	261	252	397	497	608	545	697	692	767	819	+ 6.8
Procedural	141	143	200	235	310	311	368	354	395	434	+ 9.9
Substantive	68	70	121	140	151	115	164	168	203	218	+ 7.4
Procedural and substantive	32	29	62	90	92	50	86	75	107	110	+ 2.8
Other	20	10	14	32	55	69	79	95	62	82	+32.3
NOT ELSEWHERE CLASSIFIED	237	243	283	232	223	215	261	272	348	320	− 8.0

*Overtime pay issues included under category Economic: Wage Rates and Pay Issues.
**Included in this classification are issues concerning superseniority and union business.
***This classification also includes issues concerning safety.

Table 22

Number and percent change in closed arbitration awards cases by region and state for fiscal years 1970 through 1981

State and region	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	
	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Percent change from FY 80
Total	2,848	2,835	3,432	3,542	4,490	4,484	5,550	5,729	6,826	7,025	7,539	6,967	- 7.6
NEW ENGLAND	45	38	73	50	68	68	91	87	115	120	127	122	- 4.0
Connecticut	9	8	23	10	17	14	26	21	25	21	21	22	+ 4.8
Maine	5	—	5	2	2	3	12	15	11	10	10	17	+70.0
Massachusetts	22	20	32	20	33	33	32	34	63	54	64	56	+12.5
New Hampshire	2	2	2	1	4	4	10	5	7	15	11	11	0
Rhode Island	6	5	10	14	9	11	10	8	8	16	13	12	- 7.7
Vermont	1	3	1	3	3	3	1	4	1	4	8	4	-50.0
MIDDLE ATLANTIC	365	367	466	471	501	471	590	608	761	703	850	717	-15.6
New Jersey	101	94	97	99	99	93	121	76	136	110	110	109	- 1.0
New York	116	124	161	159	152	154	195	214	260	251	347	257	-25.9
Pennsylvania	148	149	208	213	250	224	274	318	365	342	393	351	-10.7
SOUTH ATLANTIC	397	343	423	464	592	595	716	705	848	970	1,071	1,012	- 5.5
Delaware	3	5	8	4	8	8	6	7	2	4	13	20	+53.8
District of Columbia	19	7	32	20	61	72	71	60	84	94	93	107	+15.1
Florida	64	51	61	77	84	96	125	103	130	144	190	184	- 3.2
Georgia	99	88	105	129	140	112	148	146	167	207	222	192	-13.5
Maryland	48	60	39	64	64	77	106	107	128	135	140	123	-12.1
North Carolina	28	28	30	31	49	45	66	77	64	91	92	110	+19.6
South Carolina	22	14	32	35	39	30	43	40	38	59	57	48	-15.8
Virginia	56	51	52	54	71	91	99	78	124	127	164	128	-22.0
West Virginia	58	39	64	50	76	64	97	87	111	109	100	100	0
EAST NORTH CENTRAL	816	876	1,052	1,030	1,261	1,340	1,640	1,741	2,051	2,100	2,075	2,012	- 3.0
Illinois	139	210	208	212	274	277	388	413	452	466	450	493	+ 9.6
Indiana	193	150	196	209	235	219	269	320	332	350	347	331	- 4.6
Michigan	89	101	130	133	159	158	166	204	271	328	258	251	- 2.7
Ohio	327	340	404	401	484	569	618	625	780	768	796	765	- 3.9
Wisconsin	68	75	114	75	109	117	199	179	216	188	224	172	-23.2

(Continued)

Table 22

Number and percent change in closed arbitration awards cases by region and state for fiscal years 1970 through 1981 . . . continued

State and region	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	
	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Total number of cases	Percent change from FY 80
WEST NORTH CENTRAL	214	193	247	278	353	359	425	498	646	684	741	736	- 0.7
Iowa	42	34	47	59	70	70	99	114	144	143	125	125	0
Kansas	22	24	25	23	28	34	39	37	40	45	65	72	+10.8
Minnesota	35	30	41	36	49	43	74	102	103	122	151	159	+ 5.3
Missouri	96	92	116	136	191	189	196	224	333	331	364	340	- 6.6
Nebraska	13	10	17	19	11	15	13	18	18	30	26	23	-11.5
North Dakota	4	3	1	5	2	4	2	1	6	10	4	10	+150.0
South Dakota	2	—	—	—	2	4	2	2	2	3	6	7	+16.7
EAST SOUTH CENTRAL	378	372	419	445	548	596	737	703	818	822	883	758	-14.2
Alabama	105	78	84	111	137	117	166	187	220	185	199	170	-14.6
Kentucky	76	86	112	102	147	188	182	203	205	227	235	228	- 3.0
Mississippi	37	27	26	27	42	47	55	56	64	66	75	73	- 2.7
Tennessee	160	181	197	205	222	244	334	257	329	344	374	287	-23.3
WEST SOUTH CENTRAL	327	330	393	418	593	526	672	728	884	906	920	831	- 9.7
Arkansas	51	44	62	66	102	92	108	98	101	89	99	76	-23.2
Louisiana	70	70	66	71	87	90	121	120	141	150	147	117	-20.4
Oklahoma	59	37	62	50	96	94	94	99	130	122	173	173	0
Texas	147	179	203	231	308	280	349	411	512	545	501	465	- 7.2
MOUNTAIN	89	70	92	79	122	121	172	184	182	197	252	229	- 9.1
Arizona	25	22	17	15	24	21	50	41	34	46	49	47	- 4.1
Colorado	19	8	15	21	30	36	35	39	45	55	58	50	-13.8
Idaho	6	7	8	6	9	8	16	13	15	19	24	18	-25.0
Montana	10	4	2	1	12	7	10	25	27	18	24	25	+ 4.2
Nevada	14	11	17	17	20	20	18	12	9	14	20	17	-15.0
New Mexico	10	11	28	14	21	19	31	43	32	34	47	43	- 8.5
Utah	1	2	2	—	2	8	9	5	9	9	17	15	-11.8
Wyiming	4	5	3	5	4	2	3	6	11	2	13	14	+ 7.7
PACIFIC	217	246	264	307	452	407	454	468	501	509	612	538	-12.1
Alaska	0	1	3	4	1	2	11	15	21	25	30	9	-70.0
California	191	207	214	270	379	351	314	323	372	333	417	410	- 1.7
Hawaii	—	—	—	1	—	2	—	1	0	3	2	2	0
Oregon	8	8	15	7	22	15	44	35	39	41	54	21	-61.0
Washington	18	30	32	25	50	37	85	94	69	107	109	96	-11.9
OTHER	—	0	3	0	0	1	7	7	20	11	8	12	+50.0
Puerto Rico	—	—	3	—	—	1	2	4	12	6	3	6	+100.0
Virgin Islands	—	—	—	—	—	—	5	3	8	5	5	6	+20.0

General Counsel staff, left-to-right: Nancy Broff, Acting General Counsel; Thelma Carter, Secretary; Daniel Dozier, Associate General Counsel; Vickie Niemi, Secretary; (center) Ted Chaskelson, Assistant General Counsel.

Chapter 5
General Counsel

The Office of the General Counsel represents the Service in all legal matters. The attorneys provide legal and policy advice to assist the Service in accomplishing its mission. OGC lawyers represent the agency in all administrative hearings and litigation. The Office prepares and processes agency regulations and is closely involved in the preparation and review of agency directives and other policy matters. The Office is the FMCS legislative liaison and monitors and evaluates pending legislation as well as agency testimony on the Hill.

OGC has primary responsibility for FMCS programs for the Freedom of Information Act, internal labor relations, and the Ethics in Government Act. Agency lawyers provide staff support for all other agency programs including Federal sector mediation, arbitration, age discrimination, health care, and the Federal Insecticide, Fungicide and Rodenticide Act. The staff of the Office of General Counsel is often involved by request of agency management on special projects. Finally, the Office, as always, continues to be involved in the mediation of complex and special disputes and in providing support for mediation.

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Mediation Support

The Office participates as part of the mediation team as requested by management. The Office also becomes directly involved in litigation, national emergency procedures, and special impasse resolution techniques associated with complex disputes. OGC attorneys are always available to assist and advise field mediators.

It is not the responsibility of a mediator or FMCS to give legal advice to the parties in a dispute. However, analysis of legal issues may be useful to the mediator to assist the parties to resolve a dispute. The OGC can be particularly useful in discussions with the attorneys for parties to a dispute.

During Fiscal Year 1981, OGC was involved in several major disputes. OGC provided assistance at the bargaining table in the baseball dispute as well as drafting the mediator's proposal for settlement. In addition, OGC monitored the legal developments which occurred prior to and during the Postal negotiations and during the air traffic controllers dispute. Finally, OGC participated in the mediation of several complex and technical federal sector disputes.

Energy Labor-Management Relations Panel

The Panel consists of distinguished private arbitrators and mediators who assist in the resolution of labor-management disputes at government-owned, privately-operated energy installations and other energy-related facilities. The Associate General Counsel serves as Executive Secretary of the Panel. The Panel intervenes in disputes only after referral by FMCS once the normal processes of collective bargaining and mediation have failed to bring about an agreement. The Panel assists the parties in arriving at a settlement through whatever voluntary methods and procedures it considers appropriate, including recommendations to the parties for settlement.

Confidentiality of Mediation

It is essential for successful mediation that the information given to a mediator remain confidential. FMCS regulations provide (at 29 CFR 1401.2) that information obtained by mediators in the course of their duties cannot subsequently be disclosed in litigation or administrative hearings. The National Labor Relations Board has upheld the confidentiality of information obtained during the course of mediation in a series of cases dating back over thirty years. (See *Tomlinson of High Point* 74 NLRB 681 (1947)).

The courts have also recognized the importance of mediator confidentiality and have upheld the position of the Service in *NLRB v. Joseph Macaluso, Inc.* 618 F.2d 51 (9th Cir. 1980) and *Pipefitters Local Union No. 208 v. Mechanical Contractors Association of Colorado*, No. 79-C-1382 (unpublished Order) (D. Colo. June 12, 1980). OGC represents the Service in all challenges to the policy of mediator confidentiality. In Fiscal Year 1981, OGC successfully quashed a number of subpoenas for testimony and records in matters before the National Labor Relations Board.

Freedom of Information Act/Privacy Act and Ethics in Government Act

The Office of the General Counsel is responsible for handling requests for information pursuant to the Freedom of Information Act. Requests are evaluated by the Office to insure that the Agency complies with the law and that the important policy of protecting the confidentiality of the mediation process is preserved. Mediator notes and records covering negotiations are protected from disclosure.

The Office also interprets the Privacy Act and advises the agency prior to any release in order to protect employees from unnecessary disclosure of information.

The Assistant General Counsel serves as the Designated Agency Ethics Official pursuant to the Ethics in Government Act of 1978 as amended (P.L. 95-521). The Office of General Counsel is responsible for the reporting and other requirements of the Act. The General Counsel also serves as Ethics Counselor for the agency.

Arbitration

The Office works closely with the Office of Arbitration Services in responding to legal and policy issues and by working with OAS to improve the efficiency of the agency's arbitration functions. A representative of the OGC is a member of the Arbitrator Review Board and works with the Arbitration Services Advisory Committee.

Internal Labor-Management Relations

During Fiscal Year 1980 the Office successfully negotiated a collective bargaining agreement with the exclusive representative of the National Office clerical unit, National Association of Government Employees Local R-3-118. As part of the implementation of the agreement, FMCS has established an internal joint labor-management committee. The General Counsel serves on the committee and handles midterm negotiations and other labor relations matters.

Health Care

The Office participated in meetings of the Health Care Industry Joint Labor-Management Committee. The General Counsel reviews all recommendations for Board of Inquiry appointments for timeliness and compliance with statutory requirements.

Chapter 6

Administration

The Office of Administration (OA) performs a variety of tasks needed to make the Service's line programs possible. Some of these basic tasks include: budget formulation, financial management, personnel management, training, payroll, purchasing, data processing, housekeeping, supervision of office space, and printing.

Although these tasks appear quite dissimilar, they have certain common elements. They must be carried out in accordance with Federal rules and regulations, they must meet the needs of the Service, and they must be administered well to insure effective operations. Because of the Service's budget constraints and continued reduction in personnel ceilings, the OA's responsibilities were challenged in Fiscal Year 1981, while it strove to maintain high quality services.

As a result of the negotiated agreement with the National Office local of the National Association of Government Employees (NAGE), the OA was actively involved in various aspects of contract administration.

The Service's budget remained a critical issue during FY 1981. Through close monitoring and imposition of tight budget constraints in several major expense categories, a potential deficit was avoided.

Substantial time was expended by OA staff in the preparation of the annual budget submissions to the Office of Management and Budget (OMB) and to the Congress. Preparation for budget hearings conducted by OMB and the

Marie Gallagher, "problem-solver extraordinaire", Office of Administrative Services.

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Congress also received priority attention as the Service developed the justification for its requested funding level.

During FY 1981, the Service received formal approval of its accounting system design from the General Accounting Office (GAO). This approval culminated several work-years of FMCS staff effort and a year of joint effort with GAO staff.

A review of the Service's automated data processing program (ADP) was undertaken during FY 1981 to explore the feasibility of improving efficiency, effectiveness and economy of operation by automating certain program areas. A small contract was awarded to conduct the initial phase of a feasibility study.

In line with government-wide regulations, the Service developed a plan for utilizing the full-time equivalent (FTE) system of accounting for its personnel resources. This system will measure and control staffing levels through full-time equivalent employment expressed in work-years rather than by end-of-year "head count" ceilings. The FTE plan was implemented effective October 1, 1981.

Employee Development

FMCS placed increased emphasis on employee development and training throughout FY 1981. Activities included informal luncheon presentations, upward mobility program planning, career planning and counseling, executive and management development, skills training, and personal development workshops and seminars.

The Office continued to implement provisions of the Civil Service Reform Act of 1978 with particular emphasis on instituting a new performance appraisal system. Five new systems were developed to cover all FMCS em-

Ken Moffett presents Jean Kuebbeler with an award for Sustained Superior Performance as the secretary to the Director, Division of Budget and Finance.

Speaker from the National Labor Relations Board talks to FMCS employees at Brown Bag Lunch regarding the operations of the NLRB.

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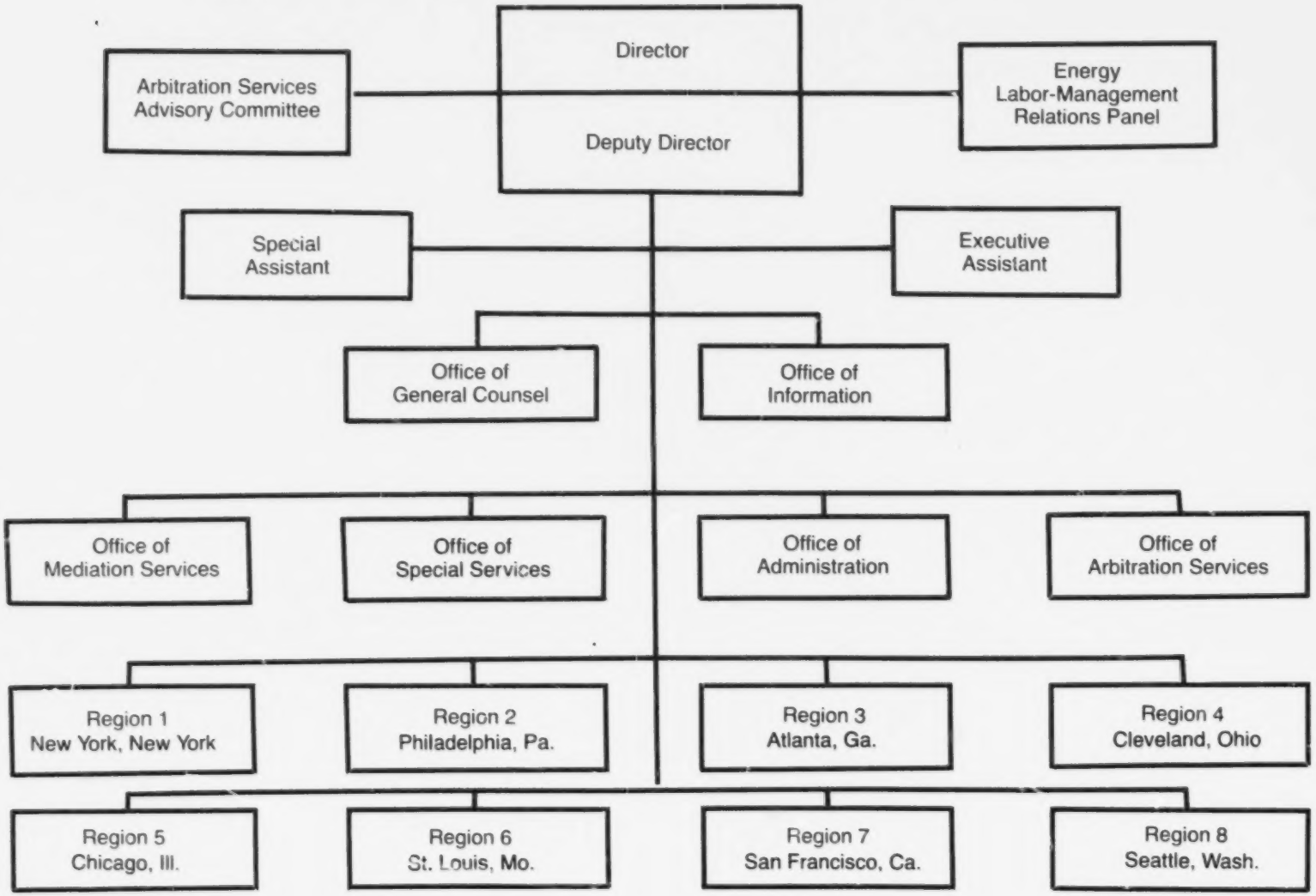
Table 23

Federal Mediation and Conciliation Service Organization Chart—September 1981



ployees and training was conducted for every agency employee.

In accordance with the National Office union contract, two career development workshops were held. Employees explored their career interests through attitude surveys, skills and knowledge questionnaires and discovered ways to accentuate positive attributes and strengthen areas of weakness. In addition, a two-day Administrative Seminar was conducted to provide an opportunity for clerical and administrative employees to strengthen performance skills. Both training programs were well received and considered highly productive.

More mid-level and senior management officials received training designed to develop and refine their capabilities. FMCS's first Senior Executive Service candidate was graduated and certified as qualified for future executive vacancies, following the two year formal program offered through the Office of Personnel Management.

A number of mediators undertook additional training at colleges and universities in their locale. These developmental activities, along with active participation in various associations and conferences, are important aspects which contribute to the mediator's professionalism. Many administrative and clerical employees also continued their education with the Agency's encouragement and assistance.

Though upward mobility opportunities have been limited due to the Agency's size and structure of positions, much thought and planning went into the development of an upward mobility program in FY 1981. An upward mobility committee was established, chaired by the Training Office, to study opportunities for advancement of lower graded employees. A report was subsequently issued to the Director.

Daniel F. Fitzpatrick, Assistant Regional Director, New York, received the Distinguished Service Award. This is the highest honor award bestowed on an employee by FMCS.

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Table 24

Federal Mediation and Conciliation Service Regionalization Map

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Jan Hiland, Training Officer.

Table 25

Authorized staffing of FMCS

	FY-1978	FY-1979	FY-1980	FY-1981	Change
NATIONAL OFFICE	111	105	104	105	+1
FIELD	35	35	35	35	0
Regional management	286	286	287	286	−1
Mediators	108	97	89	89	0
Administrative/Clerical	429	418	411	410	−1
Total Field	540	523	515	515	0
TOTAL PERMANENT POSITIONS	70	70	60	60	0
TEMPORARY POSITIONS	610	593	575	575	0
TOTAL FMCS STAFFING					

Table 26

Incentive Awards

Special Act or Service Awards

Group Award to:

Eileen Bartlett
Lorraine Cechner
Maggie Jackson
Debra Kelly
Virginia Hernandez
Anne Muzik
Evelyn Stephens
Frank S. Fiore
Thelma Hoegsted
William R. Kurtz
Ronald E. Sweet

Individual Award to:

Mark Aglio
Evelyn B. Baker
Janice P. Hiland
Richard B. Taylor

Sustained Superior Performance Award

Richard P. Deem
Valerie A. Fisher
Jean Kuebbeler
Eileen M. Legg
Vivian A. Marshall
C. Griffith Moncure
Helen S. Portell
Madelyn C. Sheets

Meritorious Service Award

Robert Klinshaw
William R. Marlowe
Barbara A. McCloskey
John F. McDermott
James R. Williams

Commendable Service Award

Carolyn Buxbaum
Dorothy Jaquay

Distinguished Service Award

Daniel F. Fitzpatrick

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Table 27
High Quality Step Increases
Fiscal Year 1981

Mary Anderson	Lawrence A. Gloekler	Phyllis M. Rolbes
Robert F. Bennett	Richard Goggin	Louis W. Sabatino
Robert B. Bergstrom	Gerard Gomez	Gertrude M. Shores
Joann Bevan	Sally L. Hart	Christina Sickles
Lola Bradley	William Hannon	Patricia Sienko
Vernon Brave	Gladys P. Harrelson	Austin Skinner
Hezekiah Brown	Robert D. Jackson	Earl Smith
Martha K. Brownne	Leslie D. Johnson	Sandra Sroka
Paul J. Buckley	Abe K. Kaplan	Sandra S. Stamato
Glenn F. Burgeson	Martin L. Killgallon	James W. Statham
Charles A. Butler	Robert L. Kyler	Evelyn Stephens
Ruth A. Carpenter	James V. LaMartina	Nell Stinson
Bonnie G. Castrey	Emmett Lance	Paul F. Stuckenschneider
Phyllis S. Cayse	Rosemary LeBoeuf	Sally P. Swerbilov
Pamela E. Cline	Robert Lynch	John R. Taylor
John L. Courtney	John J. Martin	Maurice F. Tipple
Philip M. Curran	Charles P. McHugh	Charles J. Todd
Patricia Davison	Edward T. McMahon	Harold O. Walsh
Emmett P. DeDeyn	Patrick A. Mingarelle	Bert M. Walters
Mary P. Durkin	Warren Mooney	Sherman J. Warady
Myrtle E. Feldmann	John J. Martin	Dolores B. Washburn
Manuel Fernandez	Oran Nichols	Thomas E. Washington
Herbert A. Fetty	Timothy O'Sullivan	Bernice Watson
Jack Foster	Jimmie L. Parman	Robert J. Wayne
Sam T. Franklin	Harvey Paulson	William B. Weier
Kent I. Frazer	Albert Perisho	Betty N. Weston
Nancy A. Fulk	Kevin Powers	Diane M. Wild
Danny W. Funkhouser	Margaret A. Prophet	Gaylerd F. Wineriter
John J. Garvey	Mary C. Rae	D. J. Yount

Table 28
Length-of-Service Certificates —FY 1981

Year	Number
10	27
15	18
20	17
25	6
30	3
35	2
40	0
Total	73

Bonnie Castrey, Santa Ana Field Office, winner of "Professional Woman of the Year," Orange County, California.

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Harry O'Connell, Deputy Regional Director. St. Louis, retired January 1981 after 25 years of service with FMCS.

Table 29
Retirees—Fiscal Year 1981

Name	Station Location	Total years in federal service
Ralph D. Baker	Peoria	20
Helen A. Bona	Chicago	36
Leland R. Dean	Atlanta	24
Calvin Y. Hogue	Kansas City	23
Harold Horwitz	Philadelphia	37
Dorothy M. Jaquay	National Office	38
Robert H. Johnston	Cleveland	21
Harold Mills	Ft. Lauderdale	20
Harry C. O'Connell	St. Louis	24
Isabel T. Pezdirtz	Chicago	37
Edward S. Richards	Minneapolis	21
Richard B. Taylor	New Orleans	19
L. Lawrence Schultz	National Office	22
Sam P. Mazza	Chicago	16

Chapter 7

Office of Special Services

The Service's internal audit organization was established by the Director of the Federal Mediation and Conciliation Service to achieve greater accountability, improve efficiency of operations, and enhance effectiveness of the Agency's programs serving the labor-management community.

The Office of Special Services, reporting to the Director of the Service, continues to play a key role in identifying economies which enable the Agency to meet increasing real-dollar budget constraints while continuing to provide effective assistance to the labor-management community.

During Fiscal Year 1981, the Office concentrated on regional operational evaluations. In this context, the audit staff was able to provide numerous recommendations to management in such areas as travel, space, staffing, administrative controls, and utilization of resources. In the regional program areas, identification of critical program effectiveness measures were highlighted. These included measures which could lead to early recognition of and actions to be taken to prevent and minimize work stoppages, achieving settlements, improving labor-management relationships, and responding to the needs of the parties in a more timely and efficient manner.

Two regional audits were completed which, when coupled with the five regional audits previously completed, left only one regional audit remaining; and this audit was scheduled for completion in the first quarter of Fiscal Year 1982. Each regional audit is a detailed study of the mediation activities of that region as well as case reporting and follow-up activities. These regional audits focus upon the critical aspects of performance and set forth recommendations for increased effectiveness as well as for improving compliance with policies and regulations.

All organizational units and sub-units of the Service are subject to in-depth audit reviews. In Fiscal Year 1981, several functions within the National Office and four special study areas were evaluated and audit reports provided to Agency management. Recommendations were provided in both the policy and mission accomplishment aspects of these headquarter's audits.

Upon the completion of the first round of regional audits, the Agency will possess the data and understanding of operations necessary to evaluate the effectiveness and efficiency of major Agency programs. This in-depth study, now 90 percent complete, will furnish the basis for identifying interrelationships among major programs; integrating these programs; and creating a system of evaluation and control which will contribute to better program performance, bring about economies in the major cost areas, and provide more effective accomplishment of the Agency's legislative mandate.

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TV reporter Jack Conaty (right) gets an update on the baseball strike from Acting Director Moffatt.

Chapter 8

Public Information

Communication is vital to FMCS' conduct of media, government, and community relations. As a Federal agency, the Service has an obligation to keep these publics fully informed about its programs and activities and to promote the collective bargaining policy of the nation. Even in this electronic age, this is an enormous task.

To achieve this goal, FMCS carries out a continuing information program, which is coordinated at the national level by the Office of Information.

During Fiscal Year 1981, FMCS was very much in the media spotlight. With national attention focused on the baseball, air traffic controllers' and postal negotiations, Federal mediators, and Acting Director Moffett in particular, became well-known public figures. Information Officers fielded hundreds of requests from television networks, radio stations, and newspapers and magazines for interviews. Moffett was featured on many television programs including the *Today* show, ABC's *Nightline*, *Good Morning America*, and *CBS Sports Saturday*, and was heard coast-to-coast on radio programs such as the *Larry King Show*. Profiles of the Acting Director and of the Service appeared in most major newspapers and magazines. During negotiations at FMCS headquarters, crowds of reporters, photographers and equipment technicians camped in the building, often throughout the night, awaiting press conferences with the parties and the mediators. All these activities kept the Information Office staff working at peak levels.

Throughout the year, Information Officers also issued news releases on major developments, maintained ongoing relations with labor reporters, wrote speeches, and provided full Agency photographic services. The Office published the in-house newsletter *The Mediator*, the Service's Annual Report, and brochures and reports concerning FMCS programs.

Other duties included the preparation and circulation of a daily summary of important labor news to the National and regional offices, the answering of written and telephone inquiries, and the coordination of Agency protocol functions.

Mediator Public Information Activities

All mediators participate in public information activities that are designed to educate the public about collective bargaining, labor-management relations, and FMCS and its services. During FY 1981, mediators completed 874 PI assignments. This is a drop of almost 20 percent from FY 1980's figure, and can be attributed to reduced funding for PI activities caused by overall budget constraints.

PI assignments take many forms, but most often involve speaking engagements. Mediator television and radio appearances, speeches before labor, management, and civic groups, participation in labor-management seminars and panels, and lectures before high school and

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Reporters and technicians gathered outside the FMCS National Office awaiting news of the PATCO negotiations.

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university classes all fall into the speaking engagement category. These appearances are backed up by FMCS-prepared film and slide presentations.

Other mediator PI activities include assisting in the development of university labor studies curriculums, manning FMCS information booths at public events, and consulting during the making of technical films.

Foreign Visitor Program

As the seat of our Nation's governmental and diplomatic affairs, Washington, D.C. is frequently the starting point of many foreign dignitary visits to the United States. Those visitors in the labor relations field often desire a more complete knowledge of the U.S. collective bargaining system, including FMCS and its services.

The Office of Information, in cooperation with the Department of Labor's Bureau of International Affairs, directs FMCS' Foreign Visitor Program. The Office arranges for foreign visitors to be briefed by FMCS staff members in both the National and field offices. Often large groups must be accommodated.

During FY 1981, 84 foreign visitors were briefed at FMCS, from such diverse countries as Venezuela, Taiwan, Bangladesh, Iceland, Burundi, and Jordan. This continuing dialogue between nations is important not only for the exchange of information involved, but also for the goodwill fostered.

Jim Power (left), meeting with foreign visitor Professor Douwes-Dekker of the University of Witwatersrand, South Africa.

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Appendix A

Labor-Management Relations Act, 1947, Title I

Title I—Amendment of National Labor Relations Act

Sec. 8. (d). For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territory agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later:

The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9(a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

Appendix B

Labor-Management Relations Act, 1947, Title II

Title II—Conciliation of Labor Disputes in Industries Affecting Commerce; National Emergencies

Sec. 201. That it is the policy of the United States that—

(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes; and

(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within such agreements provision for adequate notice of any proposed changes in the terms of such agreement, for the final adjustment of grievances or questions regarding the application or interpretation of such agreements, and other provisions designed to prevent the subsequent arising of such controversies.

Sec. 202. (a) There is hereby created an independent agency to be known as the Federal Mediation and Conciliation Service (herein referred to as the "Service," except that for sixty days after the date of the enactment of this Act such term shall refer to the Conciliation Service of the Department of Labor). The Service shall be under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business vocation, or employment.

(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for the purpose.

(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this Act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

(d) All mediation and conciliation functions of the Secretary of Labor or the United States Conciliation Service under section 8 of the Act entitled "An Act to create a Department of Labor," approved March 4, 1913 (U.S.C., title 29, sec. 51), and all functions of the United States Conciliation Service under any other law are hereby transferred to the Federal Mediation and Conciliation Service, together with the personnel and records of the United States Conciliation Service. Such transfer shall take effect upon the sixtieth day after the date of enactment of this Act. Such transfer shall not affect any proceedings, pending before the United States Conciliation Service or any certification, order, rule, or regulation theretofore made by it or by the Secretary of Labor. The director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

Functions of the Service

Sec. 203. (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

(b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this Act.

(d) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as a last resort and in exceptional cases.

Sec. 204. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such disputes expeditiously; and

(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service under this Act for the purpose of aiding in a settlement of the dispute.

Sec. 205. (a) There is hereby created a National Labor-Management Panel which shall be composed of twelve members appointed by the President, six of whom shall be selected from among persons outstanding in the field of management and six of whom shall be selected from among persons outstanding in the field of labor. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term, for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. Members of the panel, when serving on business of the panel, shall be paid compensation at the rate of $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(b) It shall be the duty of the panel, at the request of the Director, to advise in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered, particularly with reference to controversies affecting the general welfare of the country.

National Emergencies

Sec. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe.

Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendation. The President shall file a copy of such report with the Service and shall make its contents available to the public.

Sec. 207. (a) A board of inquiry shall be composed of a chairman and such other members as

the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

Sec. 208. (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition and district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., Title 29, secs. 346 and 347).

Sec. 209. (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public. The National Labor Relations Board, within the succeeding fifteen days shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

Sec. 210. Upon the certification of the results of such ballot or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the ballot taken by the National Labor Relations Board, together with such recommendations as he may see fit to make for consideration and appropriate action.

Compilation of Collective Bargaining Agreements, etc.

Sec. 211. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective-bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

Exemption of Railway Labor Act

Sec. 212. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

Appendix C

Health Care Act

(Public Law 93-360, 93rd Congress. S. 3203. July 26, 1974)

To amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(2) of the National Labor Relations Act is amended by striking out "or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual,".

(b) Section 2 of such Act is amended by adding at the end thereof the following new subsection:

"(14) The term 'health care institution' shall include any hospital, convalescent hospital, health maintenance organization, health clinic, nursing home, extended care facility, or other institution devoted to the care of sick, infirm, or aged person.".

(c) The last sentence of section 8(d) of such Act is amended by striking out the words "the sixty-day" and inserting in lieu thereof "any notice" and by inserting before the words "shall lose" a comma and the following: "or who engages in any strike within the appropriate period specified in subsection (g) of this section,".

(d)(1) The last paragraph of section 8(d) of such Act is amended by adding at the end thereof the following new sentence: "Whenever the collective bargaining involves employees of a health care institution, the provisions of this section 8(d) shall be modified as follows:

"(A) The notice of section 8(d)(1) shall be ninety days; the notice of section 8(d)(3) shall be sixty days; and the contract period of section 8(d)(4) shall be ninety days.

"(B) Where the bargaining is for an initial agreement following certification or recognition, at least thirty days' notice of the existence of a dispute shall be given by the labor organization to the agencies set forth in section 8(d)(3).

"(C) After notice is given to the Federal Mediation and Conciliation Service under either clause (A) or (B) of this sentence, the Service shall promptly communicate with the parties and use its best efforts, by mediation and conciliation, to bring them to agreement. The parties shall participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of the dispute."

(e) Section 8 of such Act is amended by adding at the end thereof the following new subsection.

"(g) A labor organization before engaging in any strike, picketing, or other concerted refusal to work at any health care institution shall, not less than ten days prior to such action, notify the institution in writing and the Federal Mediation and Conciliation Service of that intention, except that in the case of bargaining for an initial agreement following certification or recognition the notice required by this subsection shall not be given until the expiration of the period specified in clause (B) of the last sentence of section 8(d) of this Act. The notice shall state the date and time that such action will commence. The notice, once given, may be extended by the written agreement of both parties."

Sec. 2. Title II of the Labor Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

"Conciliation of Labor Disputes in the Health Care Industry

"Sec. 213. (a) If, in the opinion of the Director of the Federal Mediation and Conciliation Service a threatened or actual strike or lockout affecting a health care institution will, if permitted to occur or to continue, substantially interrupt the delivery of health care in the locality concerned, the Director may further assist in the resolution of the impasse by establishing within 30 days after the notice to the Federal Mediation and Conciliation Service under clause (A) of the last sentence of section 8(d) (which is required by clause (3) of such section 8(d)), or within 10 days after the notice under clause (B), an impartial Board of Inquiry to investigate the issues involved in the dispute and to make a written report thereon to the parties within fifteen (15) days after the establishment of such a Board. The written report shall contain the findings of fact together with the Board's recommendations for settling the dispute, with the objective of achieving a prompt, peaceful and just settlement of the dispute. Each such Board shall be

composed of such number of individuals as the Director may deem desirable. No member appointed under this section shall have any interest or involvement in the health care institutions or the employee organizations involved in the dispute.

"(b)(1) Members of any board established under this section who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out its duties under this section.

"(2) Members of any board established under this section who are not subject to paragraph (1) shall receive compensation at a rate prescribed by the Director but not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including travel for each day they are engaged in the performance of their duties under this section and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

"(c) After the establishment of a board under subsection (a) of this section and for 15 days after any such board has issued its report, no change in the status quo in effect prior to the expiration of the contract in the case of negotiations for a contract renewal, or in effect prior to the time of the impasse in the case of an initial bargaining negotiation, except by agreement, shall be made by the parties to the controversy.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Sec. 3. The National Labor Relations Act is amended by adding immediately after section 18 thereof the following new section:

"Individuals With Religious Convictions

"Sec. 19. Any employee of a health care institution who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to join or financially support any labor organization as a condition of employment; except that such employee may be required, in lieu of periodic dues and initiation fees, to pay sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code, chosen by such employee from a list of at least three such funds, designated in a contract between such institution and a labor organization, or if the contract fails to designate such funds, then to any such fund chosen by the employee."

Sec. 4. The amendments made by this Act shall become effective on the thirtieth day after its date of enactment.

Approved July 26, 1974.

Appendix D

Public Law 95-454 Enacted October 11, 1978, Effective January 11, 1979

Federal Service Labor-Management Relations

Findings and Statement of Purpose

(1) in order to provide the people of the United States with a competent, honest, and productive Federal work force reflective of the Nation's diversity, and to improve the quality of public service, Federal personnel management should be implemented consistent with merit system principles and free from prohibited personnel practices;

(2) the merit system principles which shall govern in the competitive service and in the executive branch of the Federal Government, should be expressly stated to furnish guidance to Federal agencies in carrying out their responsibilities in administering the public business, and prohibited personnel practices should be statutorily defined to enable Federal employees to avoid conduct which undermines the merit system principles and the integrity of the merit system;

(3) Federal employees should receive appropriate protection through increasing the authority and powers of the Merit Systems Protection Board in processing hearings and appeals affecting Federal employees;

(4) the authority and power of the Special Counsel should be increased so that the Special Counsel may investigate allegations involving prohibited personnel practices and reprisals against Federal employees for the lawful disclosure of certain information and may file complaints against agency officials and employees who engage in such conduct;

(5) the function of filling positions and other personnel functions in the competitive service and in the executive branch should be delegated in appropriate cases to the agencies to expedite processing appointments and other personnel actions, with the control of oversight of this delegation being maintained by the Office of Personnel Management to protect against prohibited personnel practices and the use of unsound management practices by the agencies;

(6) a Senior Executive Service should be established to provide the flexibility needed by agencies to recruit and retain the highly competent and qualified executives needed to provide more effective management of agencies and their functions, and the more expeditious administration of the public business;

(7) in appropriate instances, pay increases should be based on quality of performance rather than length of service;

(8) research programs and demonstration projects should be authorized to permit Federal agencies to experiment, subject to congressional oversight, with new and different personnel management concepts in controlled situations to achieve more efficient management of the Government's human resources and greater productivity in the delivery of service to the public;

(9) the training program of the Government should include retraining of employees for positions in other agencies to avoid separations during reductions in force and the loss to the Government of their knowledge and experience that these employees possess; and

(10) the right of Federal employees to organize, bargain collectively, and participate through labor organizations in decisions which affect them, with full regard for the public interest and the effective conduct of public business, should be specifically recognized in statute.

Sec. 7119 Negotiation Impasses;

(a) The Federal Mediation and Conciliation Service shall provide services and assistance to agencies and exclusive representatives in the resolution of negotiation impasses. The Service shall determine under what circumstances and in what manner it shall provide services and assistance.

Regional Offices

Region 1.—Paul Yager
Regional Director

Jacob K. Javits Federal Building, 26 Federal Plaza, RM. 2937, New York 10278. Maine; New Hampshire; Vermont; Connecticut; Rhode Island; Massachusetts; New York; Puerto Rico; and the Virgin Islands.

Region 2.—Robert W. Donnahoo
Regional Director

401 Mall Bldg., Fourth and Chestnut Street, Philadelphia 19106. Pennsylvania; Delaware, Maryland, District of Columbia; West Virginia; New Jersey; Virginia counties of Arlington, Fairfax, Prince William, Stafford, Culpeper, Fauquier, Loudoun, Clarke, Frederick, Warren, Shenandoah, Page, Rappahannock, Madison, Greene, and Rockingham; and southeastern Ohio counties of Belmont, Monroe, Washington, Nobel and Guernsey.

Region 3.—Tally R. Livingston
Regional Director

1422 West Peachtree Street, NW, Atlanta 30309. Georgia; Alabama; Florida; Mississippi; Louisiana; Tennessee; North Carolina; South Carolina; Arkansas; and Virginia (except counties listed under Region 2 jurisdiction).

Region 4.—Edward F. O'Brien
Regional Director

1525 Superior Bldg., 815 Superior Avenue, NE, Cleveland, Ohio 44114. Ohio (except Belmont, Monroe, Washington, Noble, and Guernsey counties listed under Region 2 jurisdiction); Kentucky; Illinois counties of Alexander, Pulaski, Massac, Union, Johnson, Pope, Hardin, Williamson, Saline, Gallatin, Franklin, Hamilton, White, Jefferson, Wayne, Edwards, Wabash, Marion, Clay, Richland, Lawrence, Fayette, Effingham, Jasper and Crawford; Indiana counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Washington, Orange, Dubois, Pike, Gibson, Knox, Daviess and Martin; and Michigan (except lower peninsula, upper peninsula under Region 5 jurisdiction).

Region 5.—Bernard M. O'Keefe
Regional Director

Insurance Exchange Bldg., 175 West Jackson Blvd., Chicago 60604. Illinois (except counties listed under Region 4 and Region 6 jurisdiction); Indiana (except counties listed under Region 4 jurisdiction); Wisconsin; Minnesota; North Dakota; South Dakota and Michigan (except upper penninsula, lower peninsula under Region 4 jurisdiction).

Region 6.—Paul E. Bowers
Regional Director

12140 Woodcrest Executive Drive, Suite 325, St. Louis (Creve Coeur), Missouri 63141. Missouri; Iowa; Illinois (counties of Calhoun, Green, Jersey, Macoupin, Montgomery, Madison, Bond, Clinton, St. Clair, Washington, Monroe, Randolph, Perry and Jackson); Nebraska; Kansas; Oklahoma and Texas (except El Paso and Hudspeth counties listed under Region 7 jurisdiction).

Region 7.—Richard D. Williams
Regional Director

50 Francisco Street, Suite 235, San Francisco 94133. California; Nevada (except counties of Elko and White Pine listed under Region 8 jurisdiction); Arizona; New Mexico; Texas counties of El Paso and Hudspeth; Hawaii and Guam.

Region 8.—James L. Macpherson
Regional Director

Fourth and Vine Bldg., 2615 Fourth Avenue, Seattle 98121. Washington; Colorado; Utah; Nevada counties of Elko and White Pine; Alaska; Wyoming; Montana; Idaho and Oregon.

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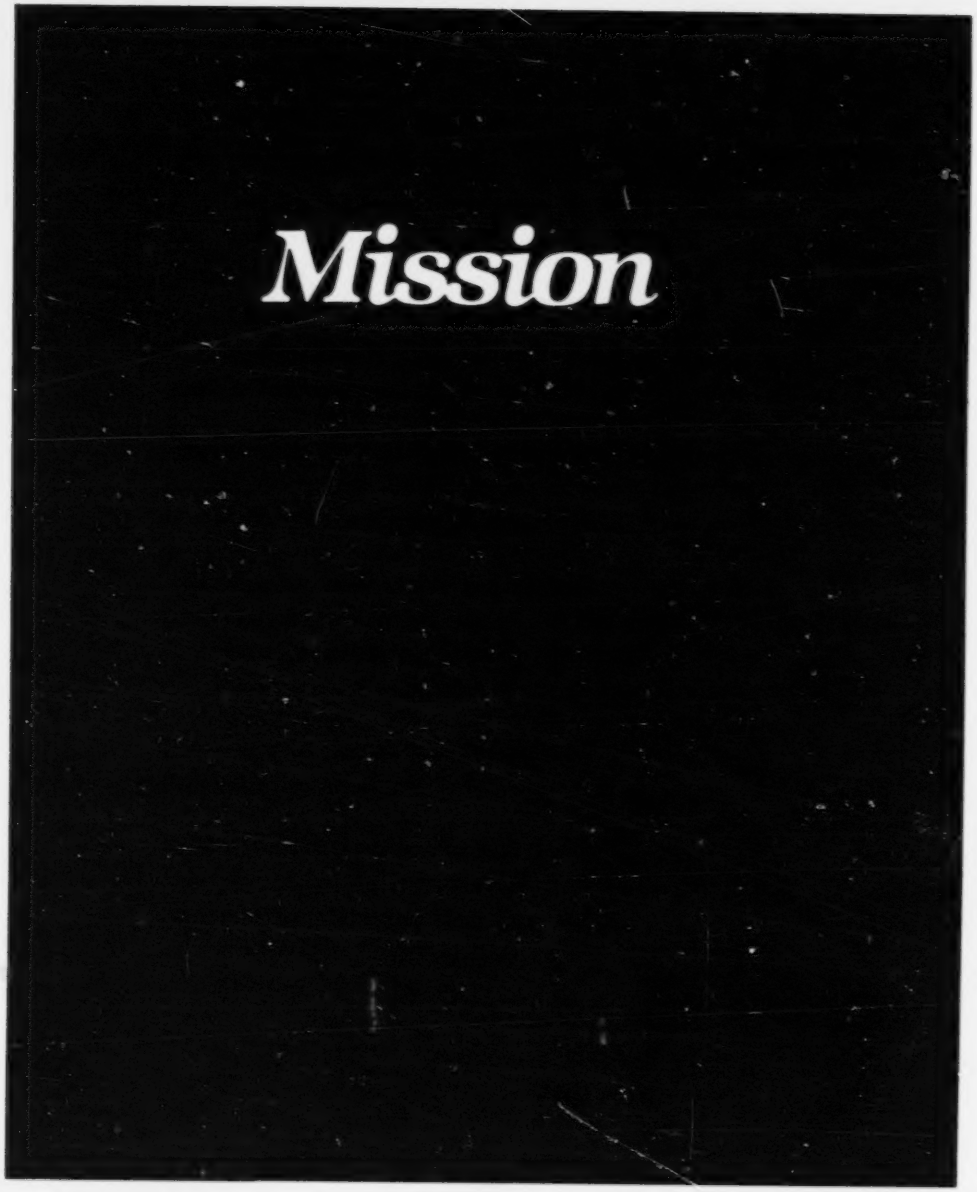

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